The Messages and Proclamations

OF THE

Governors

OF THE

STATE *of* MISSOURI

COMPILED AND EDITED BY

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PREFACE

This volume of the "Messages and Proclamations of the Governors of the State of Missouri" includes the messages and proclamations of Governor Herbert Spencer Hadley (1909-1913).

FLOYD C. SHOEMAKER.

Columbia, 1928.

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GOVERNOR HERBERT SPENCER HADLEY

HERBERT SPENCER HADLEY

GOVERNOR 1909-1913

HERBERT S. HADLEY

BY

F. W. LEHMANN

Herbert Spencer Hadley, the son of John Milton Hadley and Harriet Beach Hadley, was born at Olathe, Kansas, on February 20, 1872. The Hadley family were Quakers, but John Milton Hadley was not a pacifist, since he served for four years in the army of the Union during the Civil War. A more remote ancestor of the subject of this sketch, on the maternal side, David Beach, was captain of a Connecticut company during the war for Independence.

As a child, the future Governor of Missouri, suffered from an impairment of speech which seemed to make a public career impossible, but instead of yielding to it, he set himself to overcome it and by years of diligent and constant effort, succeeded. This struggle kept him out of school until he was eight years old, but once entered he made up for lost time, passing the eight grades in four years.

He was graduated from the Olathe High School at the age of fifteen and supplementing this by a year in the preparatory class of the Kansas University, he entered the University as a freshman, and was graduated in 1892 with the degree of Bachelor of Arts.

During his college career he specialized in history and the classics. He took a course in Roman Law and acquired such facility in the use of the Latin language that he was able to read the Institutes of Justinian without the aid of a lexicon. Deeply interested in public speaking he frequently represented the University in inter-collegiate contests of debate.

For his professional studies he entered the Law School of Northwestern University. In addition to the prescribed course of work, he founded the *Northwestern Law Review*,

the first publication of the kind by a Law School west of the Alleghanies and which still exists as the *Illinois Law Review.* He successfully represented Northwestern in a debate with the University of Michigan. The attractions of oratory did not lead to a neglect of the regular course of study, for he won the Callaghan Prize of one hundred dollars, a prize awarded by the Callaghan Book Company to the member of the senior class of the Law School who had, as established by the examinations, the highest grade during the year. He was graduated with the degree of Bachelor of Laws in 1894.

This was the end of his school attendance, but a diligent student he has continued to be to the present day, deserving, because of his scholarly attainments and accomplishments, the degree of Doctor of Laws conferred upon him by Northwestern University in 1909, by the University of Missouri in 1910, by Missouri Valley College in 1911 and by Harvard University in 1925.

Well endowed by nature and well equipped by study, he established himself at Kansas City, Missouri, for the practice of his profession. Here he lived until public service called him away.

On October 8, 1901, he was married to Agnes Lee. Three children, John Milton, Henrietta, and Herbert Spencer were born of this union.

At the beginning the young lawyer engaged in private practice and met with a more than usual measure of success, but the call of public affairs to a man of his temperament was imperative, and in 1898 he accepted the position of first assistant city counsellor of Kansas City, in charge of trial work. In 1900 he was elected prosecuting attorney of Jackson county and made an enviable record by his vigorous and efficient conduct of the office. Although running much ahead of his ticket he was defeated for re-election in 1902, but this defeat opened the way to his nomination for and election to the higher office of attorney-general in 1904.

Republicans that year indulged neither hope nor expectation of electing candidates for state offices, and at their state convention the nominations sought the candidates and not the candidates the nominations. The presence of young Hadley at the convention, the fact that despite his defeat he had shown himself to be a strong and popular candidate, and above all the record he had made as prosecuting attorney, suggested him as a nominee who would do credit to the ticket, and his name being proposed he received the unanimous vote of the convention. His attempted declination was shouted down, and he was constrained to the acceptance of what seemed to be an empty honor, coupled with the obligation of making a statewide campaign in behalf of his party. Contrary to expectation, he was elected.

The official salary was small but the official duties numerous, varied and important. As defined by statute they were:

1. When directed by the governor, aid any prosecuting attorney in the discharge of his duties.

2. Give his opinion to the General Assembly or either house upon any question of law, and to the governor, secretary of state, auditor, treasurer, register of lands, superintendent of public schools, superintendent of insurance, railroad commissions and any prosecuting attorney, upon any question of law relative to their respective offices.

3. Appear in the Supreme Court on behalf of the state and prosecute or defend as the case may require all appeals and writs of error to which the state is a party.

4. Authorized and empowered on behalf of the state to institute and prosecute all suits and proceedings at law or equity, requisite or necessary to protect the rights and interests of the state and to enforce any and all rights, interests or claims of the state against any and all persons, bodies public or corporate.

No small burden to impose upon one official, and yet the weight of it in large measure depended upon the will of him who was to carry it. The routine duties were all faith-

fully attended to. Prosecuting attorneys were aided whenever required, state officials and departments were duly advised as to their powers and duties, and the numerous criminal appeals were given proper attention. Under the fourth head, there was an activity unknown to the office before.

It was a period of industrial combination carried to an extent and employing methods which the Attorney-General believed to be detrimental to the general welfare and he determined to bring the interests engaged into obedience to the law and into harmony with public policy. He entered at once upon the work of preparation and within two months after coming into office began suit against the Standard Oil combination.

In the effort to secure the testimony necessary to support his suit he met with obstructive tactics at every point. In his first endeavor in New York City, where the important books and papers of the Company were kept, witnesses under "advice of counsel," refused to answer or responded irrelevantly and flippantly, making a farce of the inquest. Mr. Hadley bore it all with patient good nature and let his opponents run the comedy to a close. Then he applied to the courts of Missouri and New York and secured orders compelling the production of the book and papers he needed and thenceforth there was no element of farce in the proceedings, and the case went to a successful conclusion for the State.

Meanwhile he instituted suits against the Harvester and the Lumber trusts, both successful.

These cases involved above all things patient, painstaking, drudging labor. They dragged their slow length throughout his entire term of office. His term closed before any of them was finally disposed of.

The Standard Oil case was decided by the master on May 24, 1907, by the Supreme Court of the State March 9, 1909, and by the Supreme Court of the United States April 1, 1912. The Supreme Court of Missouri, 218 Mo. p. 65, said:

"The printed record in this cause fills three large volumes and covers about three thousand printed pages; the relator's printed abstract thereof fills two large volumes of about five hundred pages each, and with commendable energy and industry, characterized by a spirit of justice and fairness the master has carefully prepared a terse yet a full abstract of the evidence in a printed volume of two hundred and twenty pages which is conceded to be substantially correct."

The report of the case by the Court itself occupies 507 printed pages.

All this cleared the way for the cases that followed, abridging in some measure the labor in them. The Harvester case was decided by the Supreme Court of Missouri, November 27, 1911, and the Lumber case July 2, 1914.

Another case, outside the ordinary routine of the Attorney-General's office was that against the Delmar Jockey Club, 200 Mo. 34. The Club was organized ostensibly to promote agriculture and the improvement of live stock by giving exhibitions of farm products and of the speed of horses and to establish and maintain a fair, but for some years it had been conducted as a racing establishment with pool-selling and other gambling incidents and seemed to be immune from successful prosecution, because of its organization and incorporation as an Agricultural Fair. The Attorney-General promptly assailed it as a fraudulent pretense for the cover of pool-selling and other forms of betting on races unaccompanied by any exhibition whatever of farm products. The suit was brought July 28, 1905, and on December 18th of the same year the decision was rendered which ousted the Club of its franchise.

Insurance troubles were settled without suit, the companies agreeing to re-rate the State on the basis of its own premiums and losses and to lower the rates approximately ten per cent.

Hadley was not limited, however, by the work he made for himself; others made work for him.

The eighteen proprietary railroad companies of the State brought suits in June, 1905, to enjoin the freight rates enacted by the General Assembly of that year and filed supplemental bills to enjoin the two-cent passenger rate enacted in 1907. He had here to meet the combined railroad forces of the state, their lawyers, their engineers, their traffic men, their financiers, all the experts in the various departments of railway transportation. A record of more than five thousand printed pages was accumulated in these cases. Begun in the early part of his term as attorney-general he made the closing argument after he had been elected governor. The Circuit Court of the United States, decided all the cases as to all the rates involved in favor of all the railroad companies, but upon the record made in the Circuit Court all the cases as to all the rates, except the cases against the St. Louis and Hannibal, Kansas City, Clinton and Springfield and the Chicago Great Western, operating, the three, about three hundred and fifty miles of road, were decided by the Supreme Court of the United States in favor of the State.

The meed of this arduous service awarded by his party was nomination, and by the people election, to the office of governor.

Forty years had passed since a representative of his party had been elected to the office of governor, but there was for him no occasion in this circumstance to sound a note of partisan triumph. During his term as attorney-general the administration of the State was divided between Democrats and Republicans and he paid graceful and deserved tribute to his official associates in his inaugural address, saying:

"That political differences need not, and should not, interfere with the performance of official duties, has been emphasized during the course of the last four years. For during that time, the State officials, partly of one party, and partly of another, have worked together in complete harmony and effectiveness in the performance of their official duties."

He was a fast friend and a fair foe.

The first thing to engage his attention was a deficit in the Treasury, resulting from an excess of appropriations over revenues, which however he succeeded in wiping out, and establishing a good balance, and this without increasing the rate of taxation, beginning in this connection, the movement for full value assessments called for by the constitution of the State.

The Capitol building, old and inadequate, was destroyed by fire, and he recommended that

"This assembly should now provide for the creation of a State Capitol more commensurate with the population, wealth and dignity of the State of Missouri."

And he devised the financial plan through which this recommendation was so beautifully and wonderfully carried out, within the time prescribed and the appropriation made.

There was no change under Governor Hadley in the police system of the large cities of the State, but his appointments to the police boards, Raymond Fosdick in his book "American Police Systems" said, "were particularly creditable and hard conscientious work was done to make the organization effective."

He took an active interest in the work of education, appointing the best men available to boards of the State University and of the other institutions and heartily supported the program of legislation urged by the Superintendent of Public Instruction for the improvement of the country high schools.

In a general way he undertook to make the office of governor an effective agency for arousing public opinion and interest in matters of public concern and aiding in the encouragement and development of the State's industrial and agricultural resources. In this effort he went about the State accompanied by experts making addresses to stimulate the interest in the building of highways, the bringing in of new settlers and the opening of new industries.

In accordance with his general purpose he undertook a survey of the health conditions of the State with a view

to seeing what might be done to improve health conditions. He asked a number of representative men, not only doctors like Dr. Dock, then dean of the Washington University Medical School, Dr. Block, one of the leading physicians of Kansas City, and Dr. Clark of Jefferson City, afterwards president of the State Medical Association, and others, also distinguished and public spirited men, like Archbishop Glennon, to serve on the Commission. The response to his request was very gratifying and the investigation and report of the Commission, although the services were voluntary and without remuneration, very substantial.

Several constructive measures were established by executive direction, for example: all the State institutions were placed, in so far as sanitary and hygienic conditions were concerned, under the supervision of the State Board of Health. This Board was only an examining board for admitting doctors to practice but he had its members inspect every State institution and very marked improvements were made in conditions affecting the health of the inmates.

As a result of the work of this Commission, the State Anti-Tuberculosis Society was re-organized and placed on a sound working basis which has been maintained ever since.

When Hadley took office as governor, the Missouri penitentiary held more prisoners than any institution of the kind in the country and had the reputation of being a "hard one," that is, one in which severe methods of discipline were in use. Under his administration flogging, the lock step and the stripes were abolished; better and more varied food was given to the convicts; shower baths, of which there had previously been none, were established; the cells and work rooms were ventilated, with the result that cases for discipline declined more than 50% and no serious trouble occurred in the penitentiary during his entire term.

He found that there were between four and five hundred boys under twenty years of age in the penitentiary in close association with hardened criminals. Some of these boys,

only fifteen or sixteen years old, had been sentenced for minor offences, two being found whose offense was that of stealing watermelons. He accomplished so far as practicable a segregation of the prisoners, and with the assistance of former Judge Charles A. Denton, his pardon attorney, established a system of paroling juvenile offenders to responsible citizens who would give them employment and be responsible for their conduct. In this way nearly three hundred boys under twenty years of age were paroled, and an examination made near the close of Governor Hadley's term showed that 96% had kept the terms of their parole. While the Governor was criticized by some newspapers for paroling these boys he said there was nothing he did as Governor that he recalled with greater satisfaction.

Comparison of recommendations by Governor Hadley made in his inaugural address, biennial messages and special messages with the work of the General Assembly during his term of office discloses that the General Assembly in many matters was not abreast with the Governor and a number of important measures commended and urged were not at the time enacted into law.

A Public Service Commission, Corporation Franchise Tax, General Inheritance Tax, Income Tax, Workmen's Compensation, simplification of criminal procedure and other matters of importance were among the subjects of the Governor's recommendations which during his term of office met with no legislative approval, but public opinion was increasingly persistent in behalf of the views promulgated by the Governor and legislation has been enacted accordingly, except as to the simplification of criminal procedure, which remains what it was, a tangle of technicalities. The Workmen's Compensation Act recommended by Hadley in 1911 was passed by the Legislature in 1925. Referred to the people in 1926 it was approved by a vote of 561,898 for; 251,822 against.

He has continued his interest in criminal procedure and broadly in the causes and prevention of crime as shown

by the work he is now doing in the American Law Institute and in the National Crime Commission.

Although his administration of State affairs was aggressive and progressive there was never a suggestion of scandal or corruption in any branch of the public service for which he was responsible.

Nine months after the termination of his office as governor, he became special counsel for railroad companies west of Chicago in the valuation of the roads, in which work he was engaged up to 1916, when his health compelled him to retire from active practice and remove to Colorado.

From 1917 to 1923 he was a professor of law at the University of Colorado and from 1919 to 1921 served as counsel for the State Railroad Commission of Colorado. This Commission had been created for the purpose of managing and directing the construction of one or more tunnels through the front range of the Rocky Mountains in order to improve transportation conditions. A proposition in the form of a constitutional amendment providing for three tunnels was defeated by a narrow margin. Later he proposed the creation of improvement districts for the building of tunnels and the Legislature created a district for the building of what is known as the Moffat Tunnel, six miles long, which pierces the James Peak at an altitude of 9,000 feet and which shortens by one hundred and fifty miles the railroad distance between Denver and the Pacific Coast. This tunnel has now been completed.

It was during this period as professor of law in the University of Colorado that Hadley wrote his book, "Rome and the World Today," which is now in its second edition and for which he was awarded the cross of the Order of SS. Maurizio e Lazzaro, by the Italian Government.

He is the author of numerous addresses upon subjects of legal and professional interest and was chosen as one of eleven jurists to write for the American Bar Association *Journal* a series of articles to be known as the new Federalist, a work intended to bring the original Federalist by Hamilton, Madison and Jay, down to date.

The crowning of his career came in the year nineteen hundred and twenty-three when on November tenth he was formally inaugurated as Chancellor of Washington University as the *University Record* attests, "with impressive ceremonies and in the midst of unusually brilliant academic splendor." The broad range of his professional practice extending to civil and criminal cases and involving public and private business, his wide experience in public life in administrative and executive office, were accepted as qualifying him for the headship of a great educational institution and the result has vindicated the wisdom of his choice.

Hadley's death occurred in St. Louis on December 1, 1927, some months after this biography was written. As the time of his death he still held the Chancellorship of Washington University, but had been for several months inactive on account of failing health.

INAUGURAL ADDRESS

JANUARY 11, 1909

From the Appendix to the Journals of the General Assembly, 1909

In taking the oath of office as the chief executive officer of this great State, I wish to express to the people of Missouri, my sincere appreciation for the honor they have conferred upon me, and my full realization of the responsibilities that I today assume. In the performance of the duties of the office of Governor, my sole ambition and desire will be to deserve the continued confidence and approval of the people of Missouri.

Forty years have come and gone since a candidate of the Republican party was inaugurated as Governor of this State. It would serve no useful purpose, however, to discuss at this time the question as to whether this long period of official ostracism was justified by any abuse of power by that party during the six years it was in control of the State government, as it would serve no useful purpose to discuss at this time the question as to whether the people have acted wisely in taking from the Democratic party the control of the chief executive officer in our State government. It will be sufficient for the purposes of this occasion to learn from the last half century of Missouri's history a lesson of conservatism and official fairness in the conduct of public affairs. And that political differences need not, and should not, interfere with the performance of official duties, has been emphasized during the course of the last four years. For during that time, the State officials, partly of one party, and partly of another, have worked together in complete harmony and effectiveness in the performance of their official duties. And the people have thus learned that no political party is entirely bad, and that no political party can claim a monopoly of official honesty and virtue. And during the four years of official life that are to begin

today, I cannot ask or desire any more fair or considerate treatment from my associates in the government of this great State than I am sure the retiring Governor will willingly testify he has received from his associates during the four years which are today brought to a close. It is only by reason of the bitter political prejudices and animosities that have now practically ceased to exist, that any one should doubt that representatives of different political parties would treat each other with entire fairness and consideration in the discharge of their official duties. And it is only by such a spirit of fair co-operation that the interests of the public can be safe-guarded, and the welfare of the State advanced.

DEPARTMENTS OF GOVERNMENT

It is also necessary that we should be ever mindful of the fact that the powers of government are divided between the legislative, the executive and the judicial departments. While the rights and authority of each are intimately related with the others, yet it is also necessary that each should exercise its own powers, without interference from the others, for each must answer to the public for the manner in which its duties are performed.

The amendment to the Constitution adopted by the people at the last general election, whereby they may initiate the enactment of laws and have referred to them, for approval or disapproval, bills passed by the Legislature, makes an important change in our system of government. I undertake to say, however, that this new departure in the work of legislation will not prove to be the general panacea for public evils that its advocates have claimed for it, nor will it prove, on the other hand, to be the dangerous and cumbersome procedure that its opponents have feared it would be. Unless its machinery is used with success by over-zealous or designing men to delay the enactment of laws regularly passed by the Legislature, or to submit measures for the purpose of creating a diverting or useless controversy, its main purpose will be to reserve in the

people themselves the power of prompt correction and control over the acts of their representatives in the Legislature. It is my belief that actual experience will demonstrate the truth of the assertion of Edmund Burke, that the extreme medicine of the Constitution cannot be expected to be made its daily bread. Therefore, unless there should be some glaring and conspicuous failures on your part or mine, in the discharge of our official duties, I believe that the enactment of laws will proceed in the future, very much as it has in the past.

In what I shall say to you today, I will not undertake to express my views upon all of the different questions of legislation in which I am interested. I will present only such observations as bear upon the more important questions connected with the conduct of State affairs. During the course of the session, I will, from time to time, present to you my views upon other questions of legislation, and in such communications, I will endeavor to give you more in detail, than I shall today, my views in reference to the questions therein, submitted for your consideration.

HOME RULE

It has been truthfully said that the problem of the cities is not only a question that is always with us, but it is one of the most difficult problems with which we, as a people, have to deal. It has been charged, on the one hand, that municipal government in this country is the one conspicuous failure of our civilization, and, on the other hand, there are those who assert that there are no evils incident to municipal affairs that democracy or home rule will not cure. But whatever may be the truth in reference to these assertions, the party that I have the honor to represent, stands pledged to give home rule to the people of the large cities of the State, and that promise, in so far as I can accomplish, will be faithfully kept. It is necessary at the very beginning of the discussion of this question to correct certain misapprehensions that apparently exist in

some quarters concerning it. It has been asserted that home rule, as the term is generally understood, means the abrogation or nullification of the laws of the State, and particularly the laws regulating dramshops in the large cities. Home rule means no such thing. As I said in my opening speech in the last campaign, "One thing is certain in reference to this question of home rule, and that is, even if the selection of the police and excise officials is given to the people of the large cities, the laws providing for the regulation of dramshops will still remain the laws of the State until a majority of the people's representatives want them changed." And I further expressed it as my belief that if home rule was given to the people of the large cities of the State, "they will use it to enforce law, and not to violate the law."

It has been urged that there may arise conditions with which the local authorities, under a system of home rule, may be unable to cope, or to which they may weakly yield. This is, of course, entirely true. And it is only proper that there should be some reserved power in the chief executive by which, under such circumstances, he can properly enforce the laws of the State and protect lives and property.

That the conduct and control of the police, excise and election affairs in the large cities by State Boards has been attended with many abuses, no one conversant with the facts will deny. That the exercise of these powers of government by the people in these communities will naturally tend to bring about a more active interest and participation in political and official affairs, cannot be successfully denied. And, if at any time, the right to carry on these affairs of government is neglected or abused by the people of the large cities, the State can again assume control.

I will not enter, at this time, into a further discussion of the arguments in favor of the right of the people of the large cities to manage their own police departments. In passing, however, it is only proper that I should say, as expressing my own views and those of my party, that such legislation should also include provisions which will prevent

the police departments of the large cities from becoming the political plunder of the party that may be successful in the municipal elections. There should be, as a part of any home rule measure that may be enacted, a provision for a carefully devised civil service and merit system by which the honest and efficient police officer may be assured of his position as against any political influence. This will remove the motive and the tendency of the police departments to participate in, or to permit themselves to be used in political contests. There will be presented to you, bills which will represent my views and the views of my party upon these questions, and to these measures I invite your careful and unprejudiced consideration.

All that I have said in reference to the right of the people to manage their own police affairs, can be fairly said in reference to the right of the people to manage their own excise affairs. And while there should in these matters, as in matters of police, be a reserved power in the chief executive to prevent occasional neglect or abuse of official power, the selection of these officials should originate with the people of the large cities, and not with the Governor of the State.

THE LIQUOR QUESTION

The consideration of both of these questions seems to be necessarily involved with the so-called "liquor question," and the question of the enforcement of the law. I will endeavor today to leave no opportunity for a misunderstanding of my position upon either of these questions, as I have endeavored in the past to make my position concerning them entirely clear to the people of the State. The question of the proper regulation of the liquor traffic should be, in no sense, a political one, although it is a most fruitful source and subject of political controversy and discussion. No substantial difference, however, is to be found in the declarations of the platforms of the two leading political parties upon this question in the recent State campaign. Both declared in favor of the enforcement of the dramshop

laws, including the closing of the saloons on Sunday. Both declared, by inference, at least, against State-wide prohibition. Both declared in favor of our present system of laws, by which the people of the counties and the cities can exercise a local option in favor of prohibition therein, and both declared in favor of the enactment of such further legislation as would result in the suppression of the evils of the liquor traffic. In view of the absence of any substantial difference upon this question between the two political parties which are represented in our State government, it only remains for me to offer a few suggestions as to how the general principles therein declared for may, in my opinion, be best expressed in the laws of the State.

THE SALOON IN POLITICS

It is axiomatic that to conduct a saloon is a privilege which the law confers, and not a natural right that the individual enjoys. And it ought to be accepted, without question, that the saloons and liquor interests must obey the laws of the State, whatever those laws may be. So long as the State undertakes to deal with the traffic by regulation, and not by efforts at suppression, it should eliminate, as far as possible, the evils incident thereto. The active participation of the representatives of these interests in political affairs for the purpose of domination and control, constitutes, in my opinion, one of the evils incident to this traffic with which it is necessary to deal. It is, I think, the unquestioned sentiment of the people of the State that the representatives of these interests must not be permitted to nominate and elect our public officials for their own benefit and protection. And in order that this result may be accomplished, the brewer and the distiller should, by law, be strictly confined to the business the law permits them to conduct. When the brewer or distiller, or wholesaler of intoxicating liquors is permitted, directly or indirectly, to own or operate or control dramshops, then there exists a necessary combination of power that

results in the injury of the business itself and inevitably tends to pernicious and dangerous political activity and influence. The evils incident to this condition are so many and so manifest that it is unnecessary for me to mention them today. Legislation striking at this evil was attempted by the last General Assembly, but the law then enacted has failed to accomplish the desired result. I recommend, therefore, that you pass a law which will secure the complete separation of the brewery and the saloon, the one from the other.

LID CLUBS

Another evil, which demands action upon your part, exists as a result of the enforcement of the law for the closing of saloons on Sunday. In the large cities of the State there have been established a large number of clubs, known as "Lid Clubs," which exist largely for the purpose of dispensing intoxicating liquors on Sundays. These clubs are usually protected by a decree of incorporation under the provisions of Section 1394, R. S. 1899, as literary, scientific or athletic organizations. At these clubs liquor is furnished to the members, and also to visitors, and the law against the sale of intoxicating liquors upon Sunday is thus made inoperative, and an injustice is done to the licensed saloonkeeper who obeys the law. Legislation should be enacted to meet this situation, and, in my opinion, every club, of any character, which dispenses intoxicating liquors to its members, should be required to pay a license to the State.

WARD OR RESIDENTIAL LOCAL OPTION

The question of a ward or residential local option law will also be a question which will come before you for consideration and action. It is my opinion that it would be more advisable to confer upon residence districts the right to exclude or to refuse to permit saloons to do business therein than to attempt to exercise this right within the arbitrary divisions of a city by wards. The wards of a city

are created by its local legislative assembly, and are usually subject to change with few formalities and with limited notice. Certain parts of a ward may be the proper habitat of the dramshop, while other portions of the same ward may be entirely unsuited therefor. My observation and investigation has led me to the opinion that laws providing for ward or precinct local option have proven unsatisfactory and ineffectual, while, on the other hand, a system of residential local option will, in my opinion, produce results both satisfactory and effective.

THE ENFORCEMENT OF LAW

The abstract question of the enforcement of law bears a direct relation to the so-called "liquor question," for the reason that it is in reference to laws regulating dramshops that this question has most frequently arisen. That the laws of the State should be enforced by its executive officers, there should be no question. It is only by reason of the failure of executive officers in the past to observe their oaths of office in this regard that this question has arisen and become an active question of public interest. There will be no backward step during my administration in the enforcement of the laws of this State with which I, or those whom I appoint to office, are charged with the duty of enforcing. And all that I can legally do, I will do, in execution of my constitutional powers, as chief executive, to see that other executive officers in the various counties and cities of the State do what they should do to enforce the laws which come within the scope of their official duties. But it is important to understand that it is never right to violate the law, or to use oppressive or wrongful methods to enforce the law. While, as I say, there will be no backward step on my part in the enforcement of the law, and while I favor no "rosewater treatment" of criminals or of the enemies of society, I believe that the first example in the observance of law should be given by those whose duty it is to enforce it. And a state which exacts an unfailing observance of its

laws from its citizens should never refuse to give its full protection to all who observe its mandates, and "to accord due process of law" in the prosecution of all whom it claims have violated them.

HONEST ELECTIONS

There can be no question of greater importance in our system and form of government than that our elections should enable the people to fairly, honestly and intelligently express their choice as to candidates for public office. This is true of primary, as of general elections, and this is as true of all of the conditions affecting an election as it is of the matter of casting and counting the ballots themselves. That there have been gross abuses in the conduct of the elections in the large cities in this State is a fact well known to all familiar with conditions. That there has been a marked improvement in the conduct of our elections in the large cities in the last few years should only emphasize the necessity and importance of completing this important work of reform. Unless we have honest elections, we do not have a republican form of government, we do not have "a government of the people, for the people and by the people." And the casting or counting of a dishonest ballot in the large cities at a primary or general election is just as much of a wrong to the people of the State as it is to the people of the cities themselves. The important influences towards securing an honest election in the large cities must be found in the manner in which the police and election officials perform their duties. And so long as there shall rest upon me the responsibility of enforcing the laws of this State, I unreservedly pledge you today that everything will be done that can be done to secure to every citizen the right to cast but one ballot and have that ballot honestly counted as cast. To my mind, the idea of an election unfairly conducted is intolerable and abhorrent. And the control of the machinery necessary for the conduct of elections in this State should no more be in the hands of one political party, to the ex-

clusion of the other, than should the control of our public schools.

I favor the enactment of a law by which the election machinery of the State may be placed in the charge of bi-partisan boards, evenly divided between the two political parties, as are now the judges and clerks of election. The necessity for such boards to conduct the elections in the counties of the State is not so urgent as it is in the large cities of the State. I earnestly urge upon you the adoption of a law by which there may be created, in each of the large cities of the State, a bi-partisan election board, and I hope to see established during the next four years, such a standard of honest efficiency in the conduct of our elections that their honesty and fairness will be no more open to question than will the ordinary election of the directors of a business corporation by its stockholders.

For the accomplishment of this result, I invite your consideration of the recommendations of the Boards of Election Commissioners in Kansas City and St. Louis, as to certain changes that should be made in our election laws. And particularly should the election boards in the large cities be authorized, under certain circumstances, to appoint judges and clerks of election who do not live in the ward or precinct where they serve.

THE FORM OF THE BALLOT

The ballot that is provided for by our election laws has a tendency to prevent independence in voting. I am of the opinion that a change should be made in our election laws in this regard. It should be as easy for a voter to vote a mixed ticket as it is to vote a straight ticket. If such a condition existed, unworthy men upon one ticket would not be able to secure an election by reason of the success of their party. I have no particular form of ballot which I wish to urge upon you to adopt, as a ballot that has proven satisfactory in one State might not be advisable or satisfactory in another. I suggest that you investigate the forms

of ballots used in other States and adopt such ballot for this State as will enable the voters to fairly and intelligently express their choice as to candidates, without the restrictions and burdens which are produced by the form of ballot now in use.

I feel that there should also be some change in our laws in reference to the method of counting, canvassing and returning the votes cast at an election. The inaccuracies and inefficiencies incident to the present system have been made apparent by the last general election, and while any system must depend for its results upon the care and intelligence of the judges and clerks of election, yet it is evident to all, who are familiar with the subject, that changes can be made in our present laws which will tend to produce a more accurate counting of the ballots and a more certain canvassing and return of the results from the different precincts in the State.

PRIMARY ELECTION LAW

The last General Assembly enacted a primary election law which had its first test in the nomination of the candidates for office in the last campaign. Although there is some difference of opinion as to the advisability of this legislation, a majority of the people seem to favor it. There should, however, be changes made in this law to correct its many ambiguities and inadequacies in order that the people of each party may secure a fair and free expression of their choice for candidates for office. Fraudulent practices in connection with the primary should be clearly made a criminal offense, and in case both of the general and the primary election, provision should be made by which a contest can be instituted and decided in the fairest, speediest and most inexpensive manner possible. For the accomplishment of this result, it is necessary that the ballot boxes should be opened and the ballots counted. And not only in contested election cases, but also in every court proceeding affecting the question of the honesty of an elec-

tion, this right should exist. And particularly should our laws be so amended as to aid in the detection and the punishment of election frauds, and the secrecy of the ballot should never be made paramount to its honesty and its fairness. If this result can be accomplished only by an amendment to the Constitution, that amendment should be submitted and adopted. The inconvenience or embarrassment that may occur to a few by having disclosed the manner in which they voted will be more than counter-balanced by the greater benefit that will accrue to the entire community in preventing men from securing nominations or office by frauds and crimes against the ballot.

SENATORIAL PRIMARY LAW

I wish also to invite your earnest consideration to the question of the repeal or amendment of the primary election law for the nomination of a United States Senator. This law, I think I can fairly say, was not enacted in good faith for the sole purpose of enabling the people of the State to nominate a United States Senator, but was enacted for political advantage, and to prevent independence in voting. This law is, in the opinion of many able lawyers, in violation, both of the Federal and State Constitutions. It undertakes, in effect, to provide a method for the election of a United States Senator in violation of the spirit, if not of the letter, of the Federal Constitution; and it submits to the people, at a constitutional election, held for the purpose of choosing State officers, a diverting and irrevelant controversy. While I favor, and I believe the people of this State favor, a law which will enable the members of each political party to nominate the candidates for United States Senator, this should be done before the general election, and in such a way as will result in a fair expression of the people's preference for candidates for this important office. I believe that this result can be best secured by permitting the people in each legislative district to instruct their representative in the Legislature by a direct vote as to their

choice for United States Senator. Under the present law, the members of a political party of one city may give to a certain candidate for United States Senator, sufficient votes to bring about his nomination, although he should fail to carry, or even receive a single vote in any legislative district in the State outside of that city. In addition to its unconstitutionality and unfairness, this law also prevents the people from knowing, at the time they vote for the members of the Legislature, whom the members of the Legislature will favor for United States Senator. The fact that this law may in one election work for the benefit of a certain party or a certain candidate, should be no argument in favor of its advisability or against its amendment or repeal. For in politics, as in other affairs of life, "the invention often times returns to vex the inventor."

THE REGULATION OF PUBLIC SERVICE CORPORATIONS

The question of the regulation and control of public service corporations is a question of continuing interest and importance. The right of the people in their governmental capacity to regulate the charges and conduct of a business impressed with or devoted to a public use, is no longer open to controversy. This right can be exercised through the enactments of the State Legislature, or, as was done by the last General Assembly, there can be delegated to the people of the different municipalities the right to regulate such public service corporations as do business therein. The right of regulation must, of course, be exercised within the limitations of the Constitution, so as to give to the owners of such enterprises a reasonable return upon the value of their investments. That it is not only the right, but also the duty of the State, to regulate the charges and the conduct of business enterprises to which the public must resort, and which are in their nature monopolies, has been clearly demonstrated by experience, not only in this State, but elsewhere. The important question is as to how this power can be best exercised and this duty best performed.

The Legislature, in 1905, passed a maximum freight rate law which, however, has never been put into force and effect, by reason of an injunction granted by the Federal Court upon the petition of the railroad companies claiming that this act, if observed, would deprive them of a reasonable return upon the value of their properties. In 1907, the Legislature made some changes in the act of 1905, favorable to the railroad companies, and also passed a law reducing the rate of passenger service from three to two cents a mile. Suits were again instituted in the Federal Court by the railroad companies to enjoin the enforcement of these laws, upon the ground that they were confiscatory. But upon a hearing, the United States Circuit Court refused to enjoin the enforcement of the two-cent passenger rate law, for the reason that its reasonableness could only be determined by the test of actual experience. The evidence bearing upon the constitutionality of these two laws has now been heard in all of these cases and they are ready to be submitted to the court for final argument. The condition of this litigation makes it improper that I should further discuss or comment upon the facts developed therein. I think I can fairly say, however, without reference to the merits of these particular cases, that I have become convinced, and I think all who have given any thought and study to this question are convinced, that the regulation of the business of public service corporations can be most satisfactorily and successfully accomplished by a commission composed of men trained and experienced by study and investigation and qualified by natural ability for such work. The chances of securing such a board to deal with the question of the regulation of the charges and the conduct of the business of public service corporations are much better, in my opinion, if the board is made appointive instead of elective. I will endeavor, during the course of the session, to give you my views upon these questions more at length.

There are, however, some measures affecting the regulation of the business of railroad companies that can be fairly and properly dealt with by legislative enactments.

RAILROAD PASSES

The Constitution of 1875 prohibited railroad companies from issuing and public officials from receiving, free transportation. The General Assembly of 1887 passed laws with suitable penalties for the purpose of carrying into effect this constitutional provision. Both of these provisions were for years, however, "more honored in the breach than in the observance." And the prohibition against railroads giving, or public officials receiving, free transportation was of little value or importance, even if observed, so long as the railroads freely gave transportation to the members of political conventions and to all persons active or influential in politics, to whom the public officials owed their official existence. This practice existed, notwithstanding the fact that the Constitution and laws of this State declared that the railroad companies were common carriers, and that they should make no discriminations in charges for the transportation of persons or of property. And it has been estimated from investigations of the books of some of the railroad companies that the value of the free transportation given away by the railroad companies in Missouri would amount to approximately half a million dollars each year. No greater discrimination could, of course, exist than the carrying of certain persons free of charge, and the levying of an additional tribute upon the balance of the community to pay the cost of their free transportation.

In the last General Assembly, there was introduced a bill prohibiting, under suitable penalties, railroad companies from granting free transportation to persons other than employes and those engaged in works of religion and charity. Through railroad and political influences, this bill was defeated. I believe, however, that this question is now more

clearly understood and the propriety of such legislation more generally recognized. After the defeat of this law, I induced the railroads of the State to agree to discontinue the issuance of passes by advising them that I would test, by litigation, their right to do so unless the practice was discontinued. There is some question as to the good faith with which this agreement has been kept by some of the railroads, and it is, of course, problematical as to how long it will be recognized by any. I ask, therefore, that you enact such a law as will secure the final abandonment of this corrupting practice.

RIGHTS OF CORPORATIONS

Before leaving this subject of the regulation of the charges or the conduct of the business of public service corporations, I wish to urge upon you the necessity of conservatism in the consideration and enactment of such legislation. While it is both the right and the duty of the State to regulate public service corporations in such a way as to secure fair rates and a proper service for the people, such laws should not be enacted merely because the power exists to pass and to enforce them. And the right of business enterprises to be free from the burden and the expense of State regulation and control should be recognized and respected, unless the conditions therein clearly justify the State in the supervision or regulation thereof. And it is never fair or advisable to exercise this right unless it is reasonably certain that the act of regulation will not deprive the owners of the property of a reasonable return upon the value of their investment.

COMBINATIONS AND TRUSTS

The attitude of the State towards industrial combinations and trusts is a question concerning which there exists a marked difference of opinion, and its proper solution is of the highest importance to the business world, as well as to the general public. The principal difficulty that arises in

connection with this problem is that there exists today, as there always has existed, to a greater or less degree, a conflict between the "rules of business and the laws of men." It is the common law, as well as the statute law of this State, and of practically all of the states of the union, that any combination or agreement which limits, or tends to limit, free and unrestricted competition, is not only illegal in the sense that it is unenforcible, but it is also unlawful, in that it will subject the parties making it to both civil and criminal punishment. The business world regards free and unrestricted competition as a misfortune and an evil, while the law denounces any agreements that tend to prevent it as a crime. Therefore, when men enter into a combination or a trust in restraint of competition and trade, and the law interposes to prevent or to punish those guilty of such an offense, the necessary judgment of the court often times seems harsh in its severity and unfortunate in its effect on general business conditions. The men, however, who violate the law in this manner are entitled to no more consideration or sympathy than the ordinary offender against our criminal statutes. Their offense is prompted solely by a desire for unlawful gain, and they can plead as an excuse or justification neither their ignorance nor their necessities. And when men, by combination and organization, have secured for themselves the power to say, and do say, to the producer, on the one hand, how little he shall receive for his raw material, and to the consumer, on the other hand, how much he must pay for the finished product, they have thereby created a power which is dangerous to the existence of our institutions and the liberties of our people. For the existence of such a power gives us, upon the one hand, a master, and, upon the other, its necessary corollary, a slave.

A somewhat active and extensive experience in the investigation of this subject has failed to convince me that we have provided a method for dealing with such conditions that is advisable and applicable to all cases. I feel that much has been accomplished, both by the national govern-

ment and by the several states, through civil and criminal prosecutions, in restricting the power of monopoly and maintaining for the people the benefits of competition in trade. And in this work I feel that I can fairly say that Missouri has done her part. But the somewhat cumbersome process of the law, the delays necessarily incident to important litigation, the technicalities that make both for delay and for defeat, the harshness and sometimes the ineffectiveness of the judgments rendered, go to show that there should be some other and additional remedies adopted for dealing with the modern industrial combination or trust. While the question has not been formally passed upon by the courts, I am satisfied that it is the right of the State to regulate the charges and the conduct of any business which is impressed with a public use by virtue of being a monopoly. And I do not think it is of determining importance whether the monopoly is a natural one, exists by public franchise, or is the result of a combination or trust. Assuming this power of regulation to exist, I believe that it would be advisable to give to the representatives of the State the discretionary power to institute proceedings for the purpose of regulating the charges and the conduct of a business which is in effect a monopoly or impressed with a public use, or to proceed in the courts to punish and suppress it. Such a law offering such a discretion exists in other states, and while it has not had sufficient trial to justify any final conclusions concerning its effectiveness and advisability, I feel justified, by reason of actual experience, in bringing this matter before you for your investigation and consideration.

THE QUESTION OF EDUCATION

There will be no questions considered by you which are more important than those connected with the work of education. It is no longer necessary to present any arguments in support of the importance and value of the work of this department of our government. But while the prejudices against our system of public education have prac-

tically ceased to exist, it would be useless to deny that there does not exist a prejudice against certain parts of our educational system. It has been frequently charged that too much money is being expended for the conduct of the State University. After a careful investigation of this question, I do not believe that there is any substantial basis of complaint on account of any disparity in the distribution of the revenues of the State between the State University and the other parts of our educational system, and I feel that it would be a serious mistake, indeed, to deprive any part of our educational system of the means necessary to enable it to accomplish the full measure of its activity and usefulness. But that something is wrong with our work of education is readily apparent by an examination of the statistics as to the illiteracy of our children of school age. I mention this matter in order to bring to your attention a condition that is neither satisfactory nor complimentary, so that the work of correction can begin at once. I feel that we have done so much in this State in so many lines of activity that is deserving of praise that we can well afford to frankly admit a weakness or a fault which in reality exists. According to the United States census statistics of 1900, among the forty-eight states of the national union, our rank in literacy was 31. In other words, thirty states had proportionately fewer illiterate children of school age than have we. I do not undertake to offer to you any explanation or reason for this unsatisfactory condition. It is worthy of notice, however, that Missouri is one of four states in the Union that has no mandatory provision for superintendents of schools in each county of the State. And the fact that the other three states, namely Louisiana, Arkansas and Mississippi, all have a lower rank of literacy than Missouri may tend to explain this unsatisfactory condition. The heads of the educational department and the State Teachers' Association have repeatedly urged upon the Legislature the enactment of a law establishing the office of superintendent of schools in each county in the State. Under existing laws, it is now optional with the

counties as to whether they shall have such an official, and only about ten per cent of the counties have availed themselves of this privilege. While I claim no special knowledge or experience in matters of education, I do feel that the effectiveness of the common schools of the State must be raised if we are to make any substantial progress in the correction of the present unsatisfactory conditions. But, on the other hand, our higher educational institutions should not be neglected or dealt with in a spirit of parsimony or false economy. The value and importance of the work of these institutions cannot be measured in dollars and cents, and in addition to the other results accomplished, they impart an inspiration and a strengthening influence to our entire educational system. The report of the Superintendent of Education deals in detail with the conditions existing in the educational affairs of the State, and offers a number of suggestions as to how the work of education may be improved. In addition to the consideration of these suggestions, the educational systems of other states should be investigated and such methods therein employed should be adopted as seem to be advisable and applicable to conditions here.

SCIENTIFIC EDUCATION

The practical value of education, particularly along scientific and utilitarian lines, is being more generally recognized every day. And in no department of this work has greater progress been made than in the study and investigation of agriculture, horticulture and the raising and care of live stock. The importance of this work in increasing the wealth and happiness of the people of the State cannot be over-estimated, nor is the advantage one that accrues alone to the farmer and the stock raiser. For all wealth is, in its last analysis, derived from the field and the mine. There should be no lack of funds to carry on this work in the most thorough manner possible, in order that there may be given to the people of the State the most advanced and scientific information that is available.

This question naturally connects itself with the question of the investigation, development and conservation of the other great natural resources of the State. Under the scientific direction of the representatives of the State, and those whom it educates, should be conducted the investigation of the mineral deposits; the means of improving the fertility and productivity of the soil; the growth and conservation of our forests; the use of our water power; the development of our water highways; the improvement of the conditions of life and the protection of the health and welfare of our people.

THE NEED FOR MORE REVENUE

To accomplish all, or even a substantial part of what the State should do in this and other lines of governmental activity, I think it is apparent to all that we must have more revenue. During the last biennial period the appropriations exceeded the revenues of the State in the sum of $1,487,254.24. While there were some unusual expenses during the last biennial period which will not arise during the next biennial period, and while there will probably be an increase of approximately $500,000 in the revenues of the State, yet I feel that there can be no question upon the proposition that we need more money to carry on the work of government. According to the estimate made by the State Auditor, the revenues for the next biennial period will amount to $8,131,000, and the amount which is asked for the different departments of State is $11,744,222. And that more revenue is needed does not arise from the fact that the officials of the present day are more extravagant in the expenditure of the public funds or enjoy larger salaries than their predecessors of a third of a century ago. The need for more revenue arises from the fact that the duties of government have increased. In 1875, when our present constitution was adopted and our present revenue system devised, the theory that that government is the best which governs least was the controlling thought in public affairs.

Today all political parties apparently act upon the theory that it is the duty of government to exercise its authority when there is any justification therefor. It is unnecessary that I should even refer to the increased number of instances in which it has been not only advisable, but necessary, for the people of the State to exercise, in their governmental capacity, an authority and supervision that a third of a century ago would have been unjustified and unnecessary. I mention this fact in order that the people of the State may understand why it is that we must have more money to spend in carrying on the affairs of government.

This additional revenue can be secured in one of three ways: First, we can change the rate of taxation, which is fixed by our Constitution at not to exceed 15 cents on the one hundred dollars valuation, so long as the total assessed value of property subject to taxation exceeds $900,000,000. To change the tax rate, would, of course, require a constitutional amendment, and that would take two years, and we need more revenue, and need it now. Another method would be to require, under such penalties as to secure obedience, the return and assessment of all property at its full, cash or market value. This is what the law now provides for, but the law is neither observed nor enforced. Property of public service corporations is assessed by the State Board of Equalization at 33 1-3 per cent of its real or cash value, while real and personal property throughout the State is, in a large number of counties, assessed at even less than one-third of its real value. In the large cities the necessity for more revenue has resulted in the assessment of property, particularly real estate in the residence sections, at from 50 to 75 per cent of its real value. The result of this imperfect assessment and return has been that that property which is tangible and easily discovered, such as real estate and live stock, is assessed much more completely and at a higher percentage of its value than is generally the case with other personal property. The owners of personal property, such as money, bills and notes, do not return the same for taxation, and they are not discovered

by the tax assessors. The result is a most unequal and unfair distribution of the burdens of taxation.

By providing proper penalties for the failure to comply with the law, which now requires that property should be assessed and returned at its full value, an obedience to this law could be secured. It could also be provided that each county in the State could levy its taxes upon such per cent of its assessed value as might be necessary for county purposes, and that the State Board of Equalization should assess the State taxes against such portion of the total valuation as might be necessary for State purposes. Or, if the tax levy was made upon the full assessed value, the various counties would be enabled to lower the tax rate, and there would thus be given to the various counties a certain home rule or local option in taxation which is both advisable and desirable, and the rate for State purposes could be decreased from time to time, according to the amount of revenue produced. I think that all sensible, fair-minded men recognize the need for more revenue, and that no good citizen ought to object to an increase in the amount of his taxes if the additional funds thereby produced are expended for necessary and a proper purpose.

Another method for increasing the revenues of the State is to increase the subjects or sources of taxation for State purposes. I suggest the following additional sources or subjects of taxation upon which it would, in my opinion, be proper to impose a tax for State purposes: The capital stock of corporations; inheritances; the inspection of spirituous liquors; a license tax against distillers and wholesalers of spirituous liquors, as well as drug stores which engage in the sale of the same. A State tax for the recording or filing of mortgages has also been suggested, but as mortgages are now subject to taxation as personal property, such a tax would, in my opinion, be clearly unconstitutional. There is now imposed a tax for the inspection of malt liquors. It seems, therefore, entirely fair that there should be a tax imposed for the inspection of spirituous liquors, if such inspection is practicable, and that a license should be re-

quired of those persons, other than dramshop-keepers, who engage in its sale, either by wholesale or retail. There is now imposed a tax for the benefit of the State University upon collateral inheritances, and I see no reason why a tax should not also be imposed upon inheritances generally. The objection has been offered that a tax upon the capital stock of corporations would result in a double assessment. This is not true. A tax upon the capital stock of corporations would be a tax, not upon its property, but upon the privilege of being a corporation, which is a franchise which the State confers and is of benefit and value to those who enjoy it. I recommend that you give to this question of taxation and the increase of the revenues of the State a careful, conservative and exhaustive examination, and adopt such policy as may distribute, as equally as possible, the burdens of taxation between all classes of property and all classes of our citizenship, and at the same time produce sufficient revenues for the carrying on of the proper and the necessary affairs of our government.

In case you should decide to impose the tax herein suggested upon inheritances, the capital stock of corporations and for the inspection and sale of spirituous liquors, it would probably be unnecessary for you to make any changes in the method of assessing real and personal property. Independent of the question of the need for more revenue, it seems to me entirely right and fair that there should be a tax imposed upon the additional sources or subjects of taxation herein suggested. A strong argument in favor of any tax is its effectiveness, and I see no reason why a tax upon these sources of taxation would not be effective. It is also true that, independent of the question of the need for more revenue, it would be advisable to have all property assessed at its full value, and then levy the tax rate only against such percentage of the full assessment as might be necessary for State and local purposes. It is my belief that if a tax was imposed against these additional subjects of taxation, and property was assessed at its full or cash value, it would soon be possible for the State to entirely

abandon, or greatly reduce, the tax upon real and personal property.

THE REDUCTION OF EXPENSES

It is proper in connection with the consideration of the question as to how to secure more revenue, that we should also consider the question as to how unnecessary expenses of government can be avoided or reduced. Wherever it is possible to decrease the expense of carrying on any department of government, without impairing its efficiency, such action should be taken. On the other hand, a policy which denies to any department of government the means necessary to accomplish its full measure of usefulness, is a mistaken and a misguided one. One particular, at least, in which the expenses of government may be decreased is in the case of the expense for criminal costs. Out of the State revenues alone there is expended each biennial period nearly $500,000 for the expenses incident to criminal prosecutions. While a portion of this expense is a fixed charge that cannot be avoided, a large portion of it is due to methods of procedure which were devised centuries ago and have long since outlived their usefulness. This expense is also increased in many instances by the reversal of criminal cases upon technicalities not affecting the merits of the case. The entire system of criminal procedure should be simplified, and while all the essential rights necessary for the protection of the innocent should be preserved, such changes should be made as will result in the prompt and certain conviction of the guilty. It would probably require an amendment to the Constitution to secure a complete revision of our present system of criminal procedure. But, in my opinion, it would accomplish a useful purpose, not only in the matter of a saving in criminal costs, but also in the more important object of securing a prompt and proper administration of justice, not only in criminal, but also in civil cases, if you should enact a law providing that no judgment should be reversed in a civil or criminal case unless the appellate court could affirmatively say, after an examina-

tion of the entire record, that the judgment was for the wrong party, and that but for the error complained of a different judgment would have been rendered.

CHANGES IN OUR JUDICIAL SYSTEM

This question naturally connects itself with the question of relieving the present congested condition of the docket of the Supreme Court. It now requires approximately three years to secure a decision of the Supreme Court in a case appealed from any of the circuit courts of the State. This condition is in direct violation of the Constitution of the State of Missouri and of that ancient charter of the liberties of the English speaking people, the Magna Charta, both of which provide that justice shall neither be delayed nor denied. And this condition works peculiarly to the injury of the poor man. While the rich man can afford to wait for the delayed judgments of the court, and, in fact, is often benefitted thereby, to the poor man, justice delayed is often times justice denied. The enactment of such a law as I have suggested, would, if followed in spirit, as well as in letter, do much in the course of time to relieve this delay in the decision of cases on appeal, even if it did not at once bring about the desired correction.

It is, of course, entirely true that upon the courts themselves must rest, in the last analysis, both the responsibility and the duty of correcting this condition. If the courts, in the decision of cases, would refuse to engage in an extended discussion of questions long since determined; would discourage the urging of technicalities by refusing to dignify them with discussion, and would decide cases without an extended and often times useless recital of the facts and a discussion of the law, much of the delay incident to the decision of cases on appeal could be avoided. But whatever may be the cause, or on whomsoever the fault for this condition may rest, the condition exists and ought to be corrected.

It has been suggested that to bring about a prompt correction of this condition, there should be established a

commission to aid the Supreme Court, or that there should be created a new Court of Appeals. Either one or both of these methods seems to me to be advisable, and, I think, would meet the approval of the bar and of the general public. In view of the continued growth of our State, the diversified interests of the different sections and the lack of free communication between those sections, it may be advisable to establish two new Courts of Appeals, one for the southwest and one for the northeast sections of the State, and give to the Supreme Court simply a general supervision of the other judicial tribunals of the State and the consideration and decision of original proceedings. This system of appellate tribunals has worked successfully in the State of Texas, and the conditions which make necessary that system there, exist, to a certain extent, here. The question is one which demands your attention, and for which some solution should be adopted.

GOOD ROADS

Any discussion of the question as to how the burdens to which the people are now subject can be relieved by the State government would be incomplete without reference to the subject of the building of roads. There is no tax or burden that falls more directly or more heavily upon the people of the State than that which is caused by poor roads, or the lack of roads. The whole problem of transportation, in fact, the important problem of commerce and of civilization itself, is the carrying of that which is produced by human labor from the place where it is of little or no value to a place where it is of sufficient value to compensate for the labor of its production. The expense of transportation is, in all instances, an added cost to the consumer, and an added reduction in the return enjoyed by the producer. And then, in addition to the unprofitableness of poor roads and the profitableness of good roads, there is the further fact that the proper construction of public highways has always been a distinguishing characteristic of a civilized and master-

ful people. Experience has clearly shown that such a system of public improvements must be planned and executed as a whole, and that it is unwise to leave to the local subdivisions of the State either the planning or the execution of the more important part of this necessary work. And then a system of State roads, extending to the different parts of the State, would be both an inspiration and an example to the people of each county to construct their own independent system of public highways connecting therewith. I believe that the situation justifies me in saying that the people of the State feel that the period of discussion has long since passed and the time for action in this matter has now arrived.

THE SIGNIFICANCE OF OUR HISTORY

In the various matters that I have presented for your consideration today, I do not mean to say that our State has fallen behind our sister states. But even if we could feel that we were on an equality with the other states in all of those departments of governmental activity which tend to promote the happiness, the welfare and the prosperity of the people, that should not be sufficient. For if there is any significance that is peculiar to the history and the achievements of this State, it is that the Missourian has been the great pioneer. Missouri was the first State lying wholly west of the Mississippi to be admitted to the Union, and it was her privilege to bring into the Union the last of the states formed from the territory of the original thirteen colonies. For Maine entered the Union upon the shoulders of Missouri. For forty years Missouri stood as an outpost of civilization, reaching out into the unknown and undeveloped west. From her borders radiated the two great highways of western exploration, travel, commerce and of conquest, one ending in the northwest on the shores of the Pacific, and the other in the southwest in the land of the Mexican and the Spaniard. And along these great highways marched those hardy Missouri pioneers, hunters, trappers, traders and soldiers who were to bind to our national

domain that great empire that lies between the Mississippi and the Pacific by stronger ties than treaties and laws. The Missourian has been the pioneer of the west, leading the westward march of civilization across the American continent. But not only in the work of developing the latent resources, shaping the institutions, and framing the laws of the states that lie between the Mississippi and the Pacific has the Missourian done the work of the pioneer. The glory of Missouri is not alone the glory that comes from things done in the past. Her achievements are not as a story that is told. She lives today in the active, throbbing, eager life of the civilization of the twentieth century. And in that great moral awakening which has swept across the country, creating an increased interest in the performance of the duties of citizenship, raising the standards of honesty and efficiency in the public service and in the working out of those great problems which, as the product of our complex and commercialized civilization, confront us today, Missouri has also done the work of the pioneer. In the work that now lies before us, may we understand the significance of our history and properly express it in the performance of our official duties. But as we act in response to the influences of the past, may we also stand with our faces toward the future, with minds ever open to the morning and the sunlight, ever open to new thoughts and new duties as the new years bring their lessons.

HERBERT S. HADLEY.

FIRST BIENNIAL MESSAGE

JANUARY 4, 1911

From the Appendix to the Journals of the General Assembly, 1911

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, JANUARY 4, 1911.

To the Forty-sixth General Assembly:

The Constitution of Missouri in authorizing the Governor to recommend to the consideration of the General Assembly "such measures as he shall deem necessary and expedient," imposes upon him the duty of advising it as to the financial condition of the State and the money necessary to be raised by taxation. It is important that the sources from which our revenues come, as well as the manner in which they should be expended, should be carefully considered by you, in order that the burdens of taxation may be equally distributed and adequate revenue provided for the conduct of State affairs.

FINANCES

During the biennial period beginning on the first of January, 1907, and ending on the first of January, 1909, the appropriations made by the Legislature, not including the one-third of the revenues appropriated for the public schools, amounted to $6,961,083.92, and the revenues available for the payment of these appropriations amounted to only $5,475,154.11. The excess of appropriations over revenues resulted in a very considerable portion of the amounts appropriated during that biennial period being unavailable for expenditure. And it became necessary for the 45th General Assembly, convening in the month of January, 1909, to reappropriate approximately $900,000 of the amounts appropriated in the previous biennial period.

The appropriations made by the 45th General Assembly for the biennial period beginning on the first of January, 1909, and ending on the first of January, 1911, including the re-appropriations heretofore referred to, amount to $6,821,286.77. As it was estimated at the beginning of this biennial period that the revenues would not be sufficient for the payment of these appropriations, I urged upon the last General Assembly, not only such changes in our present system of taxation as would secure just and equal distribution of its burdens, but a greater amount of revenue. I also recommended the enactment of laws selecting other subjects of taxation of which the State had not theretofore availed itself for revenue purposes.

These suggestions included a change in the system of inspecting the refined products of petroleum for the purpose of additional security and safety to the people in the use of those products, and also for the purpose of deriving some revenue therefrom; a law imposing a tax for the inspection of spirituous liquors as there now exists a tax for the inspection of malt liquors; a corporation franchise tax, and a tax upon inheritances, with an exemption of estates not exceeding $10,000. Laws were enacted along the lines of the first two suggestions, but the corporation franchise tax law failed to secure the approval of the Senate, and the inheritance tax law failed to receive the approval of either body.

Under the law passed for the inspection of the products of petroleum, there has been derived a revenue of approximately $8,500 each month, a larger amount, in fact, than had been derived in any one year during the twenty years the old law had been in existence, and the efficient inspection of the refined products of petroleum has also been secured.

In considering the question of a tax for the inspection of spirituous liquors, it was deemed advisable to require a license, with a suitable tax thereon, from those engaged as wholesalers of intoxicating liquors. This plan was adopted in view of the assurances given by representatives of these interests that a law providing for the inspection of spirituous

liquors would be impracticable and that the requirement of a license for such wholesalers would be advisable in the regulation of the liquor traffic and accepted without controversy. Notwithstanding these assurances, the enforcement of this law has been resisted and its constitutionality is now pending before the Supreme Court for decision, with the result that no revenue has been derived therefrom.

In this connection, I would suggest that the objections raised as to the constitutionality of this law be carefully examined into, and if the same seem to be well founded that such corrections be made as will make this law in compliance with the Constitution of the State.

I also recommended to the 45th General Assembly an increase in the licenses upon dramshops, which, under existing law, is to be not less than $200 nor more than $400 a year. A bill accomplishing this result received the approval of the House, but failed to receive the approval of the Senate. Under the practice which then existed, the tax imposed upon these licenses for State purposes throughout the State was only $200 a year, but though the action of the Excise Commissioner of the City of St. Louis and the County Court of Jackson county, the tax upon dramshop licenses for State purposes in St. Louis and Jackson county has been increased to $300 a year, this increase affecting approximately two-thirds of the saloons of the State. From this source there will be added to the revenues of the State each biennial period approximately $600,000.

It is manifestly unfair that there should be imposed a larger State tax upon dramshop licenses in one section of the State than in another, and in this connection I recommend that this tax throughout the State be increased to, at least, $300. In answer to the suggestion that by such increase the number of saloons may be reduced and no increase of revenue therefrom for State purposes be secured, I submit that if such a result should follow, the State could well afford to suffer the loss of revenue in order to secure the decrease in the number of that character of saloons which might be unable to meet this added burden of taxation.

From these two sources, together with some unexpected additions to the State's revenue through the Standard Oil fine, the re-incorporation of railroad companies and increases in the assessed valuation of real and personal property the total revenue received during the present biennial period for general purposes amounts to $6,398,727.16, and the State has thus been enabled to meet all of the appropriations made by the 45th General Assembly which received executive approval, with a balance of $663,178.62 in the general revenue fund in the State treasury. Against this amount, however, should be charged, at least, one-fourth of the revenues received since the first of July, 1910, viz., $462,610.89, which, under the Constitution, the General Assembly is required to appropriate for school purposes.

NEED OF MORE REVENUE

In view of the increasing demands of the different departments of the State government and the conditions anticipated at the beginning of this biennial period, the people of the State are to be congratulated upon its present financial condition, the prompt meeting of all its obligations and the payment of the necessary appropriations made by the last General Assembly. It is, however, becoming increasingly apparent that the revenues available under our present system of taxation are inadequate to meet the increasing expenses of government. Not only have the different departments of government increased with the increase in population, but during the last several years many new departments of government have been created. The number of inmates in the different State eleemosynary, penal and reformatory institutions has increased, as has the number of students in the different educational institutions. This has resulted in the necessity for new buildings and an increased expense in the conduct of the institutions. Further, many of the State institutions were constructed years ago; some over fifty years ago; and a number are now in bad condition of repair and need to be

reconstructed, with modern conveniences added. The necessity for such work has been generally recognized for a number of years by those familiar with the different State institutions, but the lack of revenue has prevented urgent demands being made therefor.

The salaries paid to the State officials and the employes in the different State departments are from one-third to a half lower in the State of Missouri than in States similar in population and wealth. These salaries were generally fixed twenty-five or thirty years ago when the cost of living was much less than it is at the present time. While public office should not be looked to for the money rewards that it gives, men should not be asked to accept public office when the salaries provided are insufficient to meet the expenses incident to a changed location and the increased cost of living; and it should not be a source of satisfaction to the people of Missouri that their public officials receive far less than do the public officials of other States.

The question of reducing the expenses of government and abolishing useless offices, where such result can be accomplished without impairing the efficiency of the public service, is as necessary and advisable as the making of appropriations for the proper support and equipment of the State institutions and the adequate compensation of State officials. This subject will be dealt with further in another part of this message.

CORPORATION AND INHERITANCE TAX

The two additional subjects of taxation suggested to the last General Assembly are still available for consideration by this. Since the meeting of the last General Assembly the National Congress has, however, passed a corporation franchise tax law, and from the returns received by the national government, it appears that there are in the State of Missouri 14,899 corporations, with a total capitalization of $1,024,670,347.50. While it may be urged by some that the imposition of this tax by the national government

should relieve such corporations from further taxation by the states, yet it is to be remembered that a number of the states have already imposed a similar tax upon the franchise of existence of business corporations, proportioned generally from 25 cents to one dollar upon each one thousand dollars of capitalization. There would, therefore, be no injustice to the corporations in the State of Missouri if this State should follow the example of other states and impose a tax of 25 cents upon each one thousand dollars of capitalization. Particularly is this so when it is considered that this subject of taxation belongs more properly to the states than to the national government. It is from the states, and not from the national government, that the corporation received its franchise of existence. And it is under the provisions of state laws that those who associate themselves together in a corporate capacity for the conduct of any business enjoy immunities and privileges which partnerships and private individuals do not enjoy under the law. I, therefore, again urge upon you the consideration of this additional subject of taxation.

I again recommend to your favorable consideration the imposition of a tax upon inheritances, with such exemptions as will relieve the estates of people of ordinary means from this tax. I am satisfied that the exemption of estates under ten thousand dollars in value would be constitutional and that there would be no injustice or unfairness to the beneficiaries of estates in excess of this amount if they were required to pay a reasonable tax for receiving under the laws of this State the privilege that they enjoy through the law of descents and distribution. There is now imposed a tax for the benefit of the State University upon collateral inheritances. And in dealing with this subject, it would, in my opinion, be well to provide that all of the revenue derived from the taxation of direct and collateral inheritances go into the general revenue fund of the State and from that source make proper appropriations for the support of the State University, as well as the other State institutions.

TAXATION

If such laws as I have herein suggested were enacted, I believe that adequate revenue could be derived for the conduct of the state government, without any substantial change in the present methods of assessing the real and personal property of the State. But manifestly, from the standpoint of fairness, as well as from the standpoint of expediency, there should be a change in the present method of assessing the real and personal property subject to a property tax. The Constitution of the State provides that all property shall be "assessed in proportion to its value," and the laws of the State provide that the property owners shall return and that the assessors shall assess all real and personal property at its true value. It is made the duty of the county boards of equalization to equalize assessments by raising the valuation of all property which has been assessed or returned below "its real value," and it is made the duty of the State Board of Equalization to equalize assessments by adding to each class of property which it believes to be valued "below its real value in money," such per centum as will increase the same to "its true value."

None of these laws is either enforced or observed. This condition is not peculiar to Missouri, for the same condition exists in most of the states of the Union. And no more striking example of the non-observance and the non-enforcement of laws is to be found than in the method in which our revenue and taxation laws are habitually disregarded in the return and the assessment of property for the purposes of taxation. The correction of this evil is by no means an easy one, and its consideration is apt to be involved in misunderstandings and confused by demagogy. Under the system existing now in the State of Missouri, real estate, outside of the large cities, is usually assessed at from 15 to 33 1-3 per cent of its actual value. In the cities, by reason of the greater local demands for revenue, it is generally assessed at from 40 to 65 per cent of its actual value. While personal property throughout the State,

such as live stock, is usually assessed at about the same percentage of its actual value as real estate, such personal property as moneys, credits, notes and bonds, together with bank stock, is assessed at from 50 to 100 per cent of its actual value. One of the resulting evils of this unequal assessment is that persons owning intangible personal property, such as moneys, notes and bonds, do not make a correct return of the same for the purpose of taxation, and the justification that they offer in so doing is that the property of their neighbor, which consists of real estate, is returned or assessed at a far less per cent of its actual value than would be their moneys or their bonds, in case they returned them to the tax assessor for the purpose of taxation.

One of the objections urged to the enforcement of our present laws is that it would increase the tax upon the real and tangible personal property of the State. This is not necessarily true. The Constitution provides that the tax rate for State purposes shall not exceed 15 cents on the 100 dollars valuation; and the limit for local purposes is the maximum, and not the minimum. If the assessment of the real and personal property of the State was doubled and the tax rate reduced one-half, the taxes of any property owner whose property is now assessed would remain unchanged. But if all property was returned for the purposes of taxation and assessed at the same percentage of its value, the tax rate for state and local purposes could not only be reduced, but the taxes of those who now pay taxes would be reduced in greater proportion in view of the increased amount of property which would thereby become subject to assessment. It is evident, therefore, that the first step in bringing about a reform in our present system of taxation is to secure the return of all property for the purpose of assessment, and in order to secure this result, there must be given the assurance that all property will be assessed at the same percentage of its true value. This could be accomplished in one of two ways: The return of all property at its full value could be required under effective penalties, and the State Board of Equalization authorized

to fix the per cent of such valuation which should be subject to the constitutional tax rate for State purposes; or, with all property returned at its full value, the Legislature could fix a tax rate less than the constitutional limit which would produce sufficient revenue to meet its appropriations.

Taxation is, of course, a necessity to organized government, and the first concern of all government should be to provide sufficient revenue for the proper conduct of public affairs by a system of taxation which will equally and fairly place its burdens upon all persons and all classes of property. No more important subject will occupy the attention of this General Assembly than the correction of the imperfections and the abuses incident to our present revenue system. And after six years of actual contact with and careful study and investigation of this problem, I am satisfied that the plans herein suggested furnish the best, if not the only, solution which is practicable and which will at the same time be just and fair to all interests. If the several sources of revenues herein suggested were made available for the purpose of taxation by proper laws, and the return of all property for the purpose of taxations was secured, I am satisfied that it would be possible to reduce the tax rate for State purposes to five cents, or even less, upon each one hundred dollars of valuation, or to reduce the per cent of actual value of all property for the purposes of taxation to at least 25 per cent. And it would be a splendid result for the people of this State to accomplish, if we could secure adequate revenue for public purposes by subjecting all property, franchises and privileges as well as real and personal property to taxation fairly and equally imposed.

HOME RULE

Another subject of continuing importance is the relation between the State government and its large cities. While the problem of the cities is always with us, experience and study enforce the conviction that this problem should, in the first instance, be a problem with which the people of

the cities should be required to deal, rather than the people of the State as a whole. The so-called question of "home rule" has been complicated and its proper solution retarded by reason of the fact that the controversy has become, to a large extent, a political one. Following the failure of the 45th General Assembly to enact legislation giving to the people of the three large cities of the State the control of their police and excise affairs, I asked the civic organizations of those cities to interest themselves in this subject for the purpose of preparing a measure to be submitted by initiative petitions to the vote of the people. On account of the complications arising from the large number of amendments to the Constitution submitted to the consideration of the people at the last election, it was deemed inadvisable to submit such a question at that time. But the representatives of the civic organizations of these three cities have prepared legislative measures for the purpose of giving to the people of the large cities, through their local officials, the appointment of the boards or commissioners charged with the conduct of the police and excise affairs in those cities. The opinion that I expressed in my message to the last General Assembly, that such laws were advisable and just, has been strengthened by experience and investigation since then. I am firmly of the opinion that the control of these affairs should rest with the people of the large cities, who are the people most directly interested and affected. While the demand for this right has been far less insistent during the last few years than heretofore, I feel that the correctness of the principle and the incorrectness of the policy now provided for by law should result in such legislation as will impose the control of police and excise affairs upon the people of the large cities, even though they do not demand it as a right.

The question as to whether there should be conferred upon the Governor the power of removal of the officials charged with the conduct of police and excise affairs, in case they should fail to perform the duties specially imposed upon them, has been a subject of controversy. It is

my opinion that it would be advisable to confer such power upon the Governor with proper safeguards against its abuse. While the conduct of these departments of government is one in which the people of the large cities are more directly interested than the people of any other section of the State, they are still departments of the government in which the people of the State have a substantial interest. And it is, in my judgment, neither inappropriate nor inadvisable that the Governor, who, as chief executive, is charged with the duty of seeing that the laws of the State are equally and effectively enforced, should have the power of removing such officials if they should fail to enforce the laws with which they are specially charged.

A marked advance has been made in many states in municipal government by the adoption of a commission, instead of the present form of government. Some question exists as to whether under our Constitution the municipalities can adopt the commission form of government. Able lawyers, whom I have consulted upon this question, have advised me that this can be done, and I recommend that such legislation be adopted as will make it possible for, at least, the smaller municipalities of this State to accomplish this desired result.

LIQUOR QUESTION

The regulation and control of the liquor traffic has been a subject of active public interest during the last few months, by reason of the submission to the people of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors. The defeat of this amendment by a decisive majority should not be misunderstood or misconstrued. It would be unwise and incorrect for those interested in the liquor traffic to accept this result as the expression of a desire upon the part of the people of this State that a more liberal policy should be pursued in the regulation and control of the sale of intoxicating liquors. Experience has clearly demonstrated the necessity that the

business should be strictly regulated, and that the evils incident thereto should be eliminated, so far as it is possible to eliminate them through regulation. The result of the vote upon this amendment is rather to be accepted as an expression of the judgment of the people of this State that the sale of intoxicating liquors can be more effectively regulated through its license, where public sentiment is in favor of its sale, than through efforts to prohibit it throughout the State. While during the last two years the laws regulating the conduct of this traffic have generally been satisfactorily enforced and observed throughout the State, and particularly in the large cities, there are further laws that would, in my judgment, be advisable. I have already referred to the State tax upon dramshop licenses which should be fixed at, at least, $300 throughout the entire State.

"SEPARATION OF THE BREWERY FROM THE SALOON"

The question of prohibiting those engaged in the manufacture of malt or spirituous liquors from being connected, directly or indirectly, with its retail sale was an active subject of discussion before the last several General Assemblies. It is conceded that to permit a corporation engaged in the manufacture of intoxicating liquors to control a large number of dramshops, tends to create a feeling or irresponsibility upon the part of those to whom such licenses are granted as to complying with the laws regulating their operation, and also tends to create a combination of political power and influence which is both inadvisable and dangerous.

It is unquestionably the purpose of the present law to accomplish the result of the "separation of the brewery from the saloon," but this result has not been satisfactorily accomplished. I believe it would be advisable to specifically provide that those engaged in the manufacture of intoxicating liquors should not, directly or indirectly, be connected with the retail sale of liquors, as this would result in a greater personal and financial responsibility and incentive

on the part of those conducting the dramshop to comply with the regulations which the State imposes.

RESIDENTIAL LOCAL OPTION

The so-called question of ward or residential local option for the large cities was also an active subject of discussion by the last General Assembly. Our present laws requiring petitions of property owners before a license to conduct a dramshop can be granted in any block, to a certain extent, accomplished this result. While the question is not entirely free from difficulties, I feel that such changes should be made in the law as will enable those living in the residence districts of the large cities more effectively to prohibit the existence of saloons therein.

LID CLUBS

The law, however, which I consider most important and necessary for the proper regulation of the liquor traffic in this State is one which will require all clubs or voluntary associations engaged in selling or dispensing intoxicating liquors to their members to first secure a license from the authorities authorized to issue dramshop licenses; such license to be granted only upon a proper showing that the club or organization is one of good reputation and exists for a bona fide purpose, and not for the purpose of evading the dramshop laws. The necessity of such a law has been made apparent by the experience of the last five years since the law requiring the closing of saloons on Sunday has been enforced and observed. As a result of the enforcement of this law there have developed in the larger cities of the State, and particularly in the City of St. Louis, clubs or associations known as "Lid Clubs," which exist principally, if not entirely, for the purpose of selling or dispensing intoxicating liquors upon Sunday. Notwithstanding the persistent and vigorous efforts of the prosecuting and police authorities of the City of St. Louis to suppress the sale of liquor by these clubs, their efforts have been only partly

successful. In case the only clubs or associations that sold or dispensed intoxicating liquors to their members were bona fide fraternal or social organizations, there might be some room for a difference of opinion as to the advisability of requiring such organizations to secure a license before engaging in the sale or dispensation of intoxicating liquors. But in view of the existence of the large number of "Lid Clubs" heretofore referred to, the necessity for such a law is readily apparent, and, in my judgment, there exists no reasonable ground for a difference of opinion as to its advisability.

REGULATION OF PUBLIC SERVICE CORPORATIONS

The question of the regulation of public service corporations is a continuing question of public interest and concern. The right of the people to regulate, either by legislative enactments, or through orders of a commission properly authorized, the rates and service of public service corporations is now not only generally conceded, but the necessity of such regulation is also generally recognized. The efforts of the State and the various municipalities of the State to accomplish effective regulation of the rates and service of public service corporations in Missouri has not been attended with satisfactory results. Maximum freight rate laws passed in 1905 and in 1907 by the General Assembly are still unenforced by reason of injunctions against their enforcement granted by the Federal Courts. The enforcement of the two-cent passenger rate law passed by the 44th General Assembly has also for the last eighteen months been enjoined by an order of the United States Circuit Court. The constitutionality of both of these laws is now pending for decision before the Supreme Court of the United States, the cases having been submitted for decision last October.

REGULATION OF PASSENGER RATES

The present situation in this State with reference to passenger rates is very unsatisfactory. Thirteen of the eighteen railroads doing business in the State are charging two

and one-half cents a mile, while five of the strongest roads in the State, viz.: The Missouri Pacific, Atchison, Topeka & Santa Fe, Iron Mountain, Missouri, Kansas & Texas and the Cotton Belt, are charging three cents a mile. This charge is being exacted by these roads in the State of Missouri notwithstanding the fact that in the contiguous states of Illinois, Iowa, Nebraska and Kansas they are charging only two cents a mile, and notwithstanding the fact that a Judge of the United States Circuit Court, in enjoining the enforcement of the two-cent passenger rate law in this State, gave it as his opinion that two and one-half cents a mile would be a reasonable rate for these roads to charge. If legislation can be enacted to correct this manifestly discriminatory and unfair charge that is being exacted from the people of Missouri, it should be enacted.

During the session of the 45th General Assembly there was considered by the Legislature a law authorizing the Board of Railroad and Warehouse Commissioners to fix passenger rates. This bill passed the House, but failed to receive the approval of the Senate. While I believe that this Board or a Public Service Commission should be authorized to fix passenger rates, I do not believe that a correction of existing conditions should now be secured in this way. As it is my opinion that if this Board was authorized to fix passenger rates in excess of the maximum heretofore fixed by law, viz.: two cents per mile, such an order would, in effect, result in the repeal of this law and the abandonment of the case now pending before the Supreme Court in which the constitutionality of the two-cent fare law is to be decided. The result would, in my opinion, be highly inadvisable, as it was my earnest conviction from the knowledge gained by participating in this litigation for over two years as Attorney General, that the two-cent passenger rate was not confiscatory, certainly not in the case of the larger and stronger railroads in this State. These roads, as well as the other roads in the State, are now carrying passengers across the State at a charge of two cents a mile, and in many instances less than two cents a mile, notwithstanding the fact that

railroads are, under the Constitution and laws of this State, common carriers and required by the law which gives them existence to be carriers common to all alike, on equal, as well as reasonable terms. I recommend to the favorable consideration of this Legislature a measure that I recommended to the consideration of the last, prohibiting, under the express authorization of the Constitution of the State, railroads from charging more for a short than for a long haul or a higher rate per mile for a passenger carried within the State than that which is charged one carried across the State, or from this State to another State.

ANTI-PASS LAW

I also feel that a law prohibiting, under appropriate penalties, railroads from issuing passes would tend to a proper solution of the passenger rate question. A railroad has no more right in law or in morals to carry one person free of charge while others are charged full fare for the same service, than it would have to carry the stock of one farmer to market free of charge, while exacting a full rate from all other farmers in the community to make up for the cost of carrying the stock of one farmer without any charge at all; or for carrying the goods of one merchant free of charge while charging all other merchants for the carrying of their freight sufficient to make a profit on all of the freight carried for that community. The railroad pass is a discrimination; is unjust, unlawful and indefensible.

PUBLIC SERVICE COMMISSION

While I firmly believe in the correctness of all that I have asserted with reference to this matter, yet it is also of the highest importance to the people of Missouri that they should be careful not to enact harsh or retaliatory measures affecting the railroads or other large business interests of the State. The period of railroad development in Missouri is not yet completed. We need more railroads to assist in the development of the undeveloped sections of

our State, as we need more capital to aid us in the development of our undeveloped resources. In order to secure this result, such interests must be assured of fair and conservative treatment by the State. I believe that this assurance can be best given and a satisfactory result secured if the Legislature would create an appointive public service commission with such provisions as to its personnel and powers as would insure a careful, scientific and conservative investigation of every situation before an order was made in reference thereto. I do not believe we will make any substantial progress in the solution of the question of the regulation of our public service corporations until this method is adopted. The experience of other states, notably the experience of New York and Wisconsin, demonstrates the effectiveness of this method of dealing with this question. And it is my judgement that a State public service commission can more effectively and satisfactorily regulate all public service corporations doing business in the State than can such commissions created by the councils of the different municipalities, or can the councils themselves. However, if it was deemed advisable to except those municipalities in which public service commissions exist, or may exist by law, such an exception could be easily made. The experience, however, of the various municipalities in regulating public service corporations doing business therein has not, in my opinion, been sufficiently gratifying to justify or necessitate such an exception. The establishment of a State public service commission would, I am satisfied, give to capital invested and seeking investment that assurance which it seeks and requires that investigation would precede regulation; that no radical, extreme or retaliatory orders would be adopted or enforced, and, on the other hand, it would give the people assurance and that their rights would be safeguarded and their interests protected.

No stronger assurance could be given to those interested in the public service corporations of the State that fair treatment and just methods of regulation would be adopted by the State than by the adoption of an effective, modern

and business-like management of its own business and institutions. And it would seem to logically follow that the people of the State ought not to ask the right to regulate those businesses affected with a public use unless they could give an example of their capacity to manage their own businesses and their own institutions capably, economically and effectively.

BOARD OF CONTROL

I feel that there exists much room for improvement in the management of our educational, eleemosynary, penal and reformatory institutions, as well as the different State departments. Each of our State institutions is now managed by a board of five members, appointed by the Governor, who serve without pay, with the exception of the State Penitentiary, which is managed by a warden, with the assistance of a board of prison inspectors composed of the State Treasurer, State Auditor and Attorney General.

This system of management by separate boards results in different standards of efficiency in institutions of the same kind; different cost of maintenance; different prices being paid for materials and supplies and the absence of effective business methods which would be possible with a more concentrated system of control. Too much credit cannot be given to the public spirited citizens who have served upon the boards of the educational, eleemosynary and reformatory institutions of the State, while it is a source of gratification to the people of the State that all of their educational, eleemosynary, reformatory and penal institutions have generally been conducted with reasonable efficiency, free from scandals or peculations, yet this result does not justify the continuance of a system that has been abandoned by a large number of the leading and progressive states for a more concentrated system of control that has been found more satisfactory because more efficient and more economical.

I recommend to your favorable consideration the passage of a law which will place the management of all of

the eleemosynary institutions of the State in the charge of a salaried board which shall devote all of its time to that work. The objections to a separate board of control for each of these institutions do not obtain so strongly with reference to the educational institutions of the State, and, for the present, at least, I deem it advisable that no change be made in their management.

BOARD OF PARDONS

I believe, however, it would also be advisable to provide for a Board of three members who shall have charge of the penal and reformatory institutions of the State, and who shall also act as a Board of Pardons for those confined in these institutions. I am confident that such a system of concentrated control would be successful from the standpoint of economical and efficient management, and the proper consideration of the applications for executive clemency requires, in my opinion, a board which would give to all such cases a preliminary consideration. Under the present system, it is impossible for the Governor, even with the assistance of a Pardon Attorney, to examine all of the applications for executive clemency that come to him from those confined in the State Penitentiary. The result is that many who deserve executive clemency fail to receive it through the lack of time and opportunity to carefully examine into the merit of their applications.

STATE REFORMATORY

I also feel that there is an urgent necessity for the establishment of a State reformatory in which could be confined many youthful offenders now in the State Penitentiary, and many of the older of those youthful offenders now confined in the Training School for Boys at Boonville. There are approximately seven hundred boys under twenty-three years of age, who are first offenders, who are confined in the State Penitentiary under unsatisfactory conditions and brought into daily contact with mature and experienced

criminals. There are perhaps one hundred boys confined in the Training School whose criminal tendencies and advanced years impair, to a considerable extent, the value of that institution to the other inmates. These two classes could be placed in the State Reformatory with benefit to themselves and an improvement in conditions in both the Training School and the State Penitentiary.

CONTRACT LABOR

The establishment of such an institution would also, in my opinion, furnish a good means for a change in the system of contract labor that now obtains and has obtained for many years at the State Penitentiary. The abandonment of this system has been endorsed by both of the leading political parties in the last two campaigns in their state platforms. But the substitution of proper employment for the 2,300 men and women confined in the State Penitentiary for the present system of contract labor presents a very difficult problem. And this question is rendered more difficult by the fact that this system of labor has become thoroughly established through the many years that it has been in existence. If a State Reformatory could be established and a means of occupation provided for those confined therein, other than by contract labor, the system could, after proper experiment, be extended to the State Penitentiary. But in addition to this advantage, the benefit to society of such an institution is so apparent that argument in its favor is almost unnecessary.

STATE DEPARTMENTS

The adoption of more effective and businesslike methods in the conduct of the State Departments is also a matter well deserving of your consideration. It is a fact well known to all familiar with conditions that public affairs are not generally managed with the efficiency or economy with which business affairs are conducted. One of the evils of our system of politics is the tendency to create or to main-

tain a greater number of appointees than are necessary for the proper conduct of public affairs. A correction of this condition is attended with more or less difficulties in view of the fact that it requires the discharge of those now in public position. This question, however, ought to be dealt with from the standpoint of public interest alone.

I recommend that a committee of this General Assembly be selected for the purpose of investigating conditions in every State Department and State institution to ascertain if by the proper systematizing of the business therein the number of appointees cannot be greatly reduced and the business methods therein improved.

There can also be something effective accomplished along this line by the consolidation of departments. It is my judgement that the work of the State Food and Drug Commissioner and the State Dairy Commissioner should be performed by one and the same person. This is the practice in most of the states and the work of the two departments is so intimately connected that more effective public service can be secured by having one official perform the work of both positions and the expenses of two departments can thus be avoided.

The work of inspecting the hotels of the State, so as to secure proper safeguards against dangers by fire, and proper sanitary conditions so as to prevent the spread of contagious and infectious diseases, can be as effectively, and far more economically performed in connection with the work of the State Factory Inspector, who could be made an Inspector of Factories and Buildings.

Considerable of the work of the Bureau of Labor Statistics is also done by other State Departments. This duplication of labor should be corrected wherever it is practicable to do so.

The work of the State Fish Commission, which has been inadequately supported in the past, could be more effectively done under the direction of the State Game and Fish Warden. By reason of the failure of local officials to enforce laws preventing the dynamiting of streams, the fish in the

streams and rivers of the State have been practically destroyed. Fish is the poor man's food, and no State in the Union offers better facilities for the raising of fish than does the State of Missouri. If the work of the Fish Commission was placed under the direction of the Game and Fish Warden, the expense of the conduct of this department could be paid out of the funds created from hunters' licenses and adequate appropriations thus provided for the effective propogation and distribution of fish.

Other examples might be given of departments that might with profit be consolidated so that the expenses of government could be decreased without impairing in any way, but, on the other hand, increasing, the efficiency of the public service.

Under the present system, which has been in practice for a number of years, the money collected by the State Grain Inspection Department for the grading of grain sold in the public markets of the State is not paid into the State treasury, but is expended under the direction of the State Board of Railroad and Warehouse Commissioners. I recommend that a law be enacted which will require this money to be paid into the State treasury as other moneys collected by public officials, in order that the same may be paid out under the safeguards provided by law for the expenditure of other public funds.

PUBLIC ACCOUNTANT

Experience and observation emphasize the necessity for a more dependable system of examination of the books of account of the various State Departments and State institutions in order that no possible irregularities or shortages can occur or continue for any considerable length of time.

A more effective system of accounting should also be provided for as between the State and the different counties. Under the present practice, there doubtless come into the hands of county officials considerable sums of money on

claims payable by the State which are in reality unexpended, and amounts are charged against the State which, in many instances, should be paid by the counties or, which, on closer examination, would be found not to be legal charges at all. An examination of the accounts of several counties has shown that considerable sums of money on account of escheats, state witness fees and charges for writing up of the tax books are probably due the State from many, if not a majority, of the counties.

A state official specially charged with the duty of making such examination and securing the collection of sums due the State, as well as the examination of all books of account, could doubtless secure for the State a very considerable sum of money that belongs to it and also prevent the recurrence of such conditions as well as irregularities or shortages in the handling of the State's funds by public officials charged with their disbursement.

UNDEVELOPED RESOURCES

The result of the last census emphasizes most impressively the necessity of doing all that can be done to secure for Missouri new home-seekers and new investors to aid in the development of the undeveloped resources of the State. Although Missouri is the oldest of those states lying wholly west of the Mississippi to be admitted to the Union, it is one of the most undeveloped states in the Mississippi valley. Of our forty-four and one-half million of acres of land only twenty-three and one-half millions have ever been touched by a plowshare. Though we produce more lead and zinc than all of the rest of the country, and, in fact more than any nation in the world, though the mining of coal constitutes one of the leading industries of the State, there doubtless lie beneath the surface of our soil greater stores of mineral wealth than have yet been discovered or developed. Missouri has more miles of navigable waterways than any inland state in the Union, and we have sufficient water power to turn every wheel of industry and

commerce in the State. And, yet, but few, if any, boats are to be found upon our rivers, and a very inconsiderable portion of our water power has been developed for industrial purposes. During the last ten years the increase in population of Missouri amounted to only 186,670, all of which was in Kansas City and St. Louis. The increase in population for the entire State was but 6 per cent; Missouri being one of the ten states of the Union that showed an increase of population during the last ten years less than 10 per cent. According to the census of 1870, Missouri was the fifth state in population and in wealth; but according to the census of 1910 Missouri is now seventh in population, and probably seventh in wealth. The tide of immigration has, from various causes, passed across Missouri to the west and southwest to less favorable opportunities and less favorable conditions of life than can be found here. It should be the first duty of the representatives of the people in the State government to do what can be done to correct this condition.

BOARD OF IMMIGRATION

The last General Assembly passed a law providing for a State Board of Immigration, and undertook to make an appropriation of $25,000 for its support. Under a ruling of the State Auditor and the Attorney General, this appropriation had not been available for use, but the people of Kansas City, St. Louis and Springfield have advanced the amount of this appropriation for the work of the Board. While the work has been necessarily experimental, to a considerable extent, the results, as shown by its report, are gratifying and encouraging. I feel that the making of an appropriation for reimbursing the progressive citizens of the State who have advanced the money necessary for the carrying on of the work of this Commission is a matter of good faith and that the continuance of this Commission, as well as liberal appropriations for its support, is not only advisable, but earnestly desired by a large majority of the people of Missouri.

WATERWAY COMMISSION

The last General Assembly also established a Waterway Commission with a nominal appropriation of $5,000 for its support. While of necessity the work of this Commission, with its limited appropriation, was largely educational, the report which it has submitted, and which I will in turn submit for the consideration of the Legislature shows that very gratifying results have been accomplished along this line.

FORESTRY COMMISSION

I have appointed a Forestry Commission to consider the proper conservation and use of our 17,500,000 acres of woodland, and the members of the Board, who have served voluntarily without pay, have done much to arouse a healthful interest in this important subject. I feel that the proper conservation and development of our great natural resources, as well as the securing of new capital and of new homeseekers to aid in the cultivation of our uncultivated soil and the development of our undeveloped resources, should command the earnest consideration of the members of the legislative department.

GOOD ROADS

Connected with the question of State development is the question of the building of good roads. The question of transportation over the public highways is a question of equal importance, at least, to the transportation by the common carriers of the State. We are not lacking in road laws or provisions by which the several political subdivisions of the State may secure good roads. The difficulty has been in the failure to take advantage of the opportunities now offered by law. Every possible encouragement should, however, be given by legislation to the construction of public highways suitable for the purpose of transportation the year round, as this is one of the most economical in-

vestments that the people can make. And in so far as such a result can be effectively accomplished by legislation, the creation of adequate public revenue for the construction and maintenance of good roads should not be made optional with the local authorities, but mandatory by the provisions of our laws.

PUBLIC HEALTH

A question of greater importance, in my judgment, however, than the conservation of our natural resources is the conservation of human life and health and safety. A marked advance was made by the last Legislature in safeguarding the public health of the State by the establishment of a Bureau of Vital Statistics. Under the statistics now available, it is estimated that 10,000 people die in the State of Missouri each year from tuberculosis and 50,000 are totally or partially impaired in their efficiency by reason of this disease, which is one of the most curable of all the ills to which the flesh is heir. The State has recognized the importance of dealing with this problem by the establishment of a State Sanitarium for the treatment of incipient tuberculosis. But this is but a part of the work that it ought to do. In each of the State eleemosynary, penal and reformatory institutions those afflicted with tuberculosis are confined with those who are not. This often results in the well becoming sick and the sick continuing uncured, or becoming sicker by reason of their confinement. At two of the State Hospitals for the Insane, buildings have been constructed or are in process of construction for the care of tubercular patients, and such buildings should be provided for all state eleemosynary, penal and reformatory institutions. This would result in the safeguarding of the health of those not so afflicted; in the adoption of proper methods for the treatment and cure of those so afflicted, and would prevent State institutions from becoming, as they are now, breeding sources from which the disease is spread throughout the State.

TUBERCULOSIS COMMISSION

Recognizing the importance of this question, I have appointed a commission, composed of some of the leading men and women of the State, to investigate this question. The money necessary for the expenses of the commission has been advanced by public spirited citizens, and the report of the commission will, with proper recommendations, be submitted to you during this session.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION LAWS

The prevention of the deaths and injuries incident to the conduct of modern industry is one of the large problems now demanding the attention of the people of the entire country. To a considerable extent, at least, the alarmingly large number of deaths and injuries in industrial pursuits can be attributed to our archaic and ineffective system for the compensation of those injured in industrial occupations. The United States is the only civilized nation in the world that gives to the man injured in the course of his employment no action for damages and no compensation therefor, unless it can be shown that he was injured through the fault of his employer. Changes in the law of employers' liability and workmen's compensation laws have been adopted by the national government and some of the leading states, and a larger number of states have commissions investigating this subject. The great economic loss by reason of these deaths and injuries, as well as the distress and suffering incident thereto, make the question one of paramount importance.

In order that Missouri might not lag behind other states in the consideration of this subject, I have asked a number of those interested in this question, by reason of their official positions, or through membership in organizations which have given it consideration, to investigate the subject and report their recommendations to this General Assembly. There is some question as to how far we can go

under our constitutional limitations in the enactment of a law providing for compulsory compensation for workmen injured in industrial pursuits. It is clear, however, that there is no constitutional inhibition against abolishing the defense of assumption of risk and the negligence of fellow servants, two archaic defenses established under conditions that no longer obtain in industrial occupations, and which contribute more often to unjust than to just results in litigation for compensation for personal injuries.

If it is the opinion of the members of this General Assembly that there is not sufficient time to give to the different phases of this subject the consideration and investigation necessary for such an important change in our system of litigation and in the conduct of our industrial and commercial occupations, I earnestly recommend that you provide for a commission which shall further investigate this subject and make its report to the next General Assembly.

JUDICIAL PROCEDURE

In connection with the suggested modifications in the law fixing the liability of the employer, there is the question of the simplification of our judicial procedure by adopting such changes as will bring about a speedier administration of justice and fewer reversals on account of technicalities not affecting the merits of the litigation. While it is true that any system of judicial procedure can be abused by those who administer it and that an efficient and vigorous performance of judicial duties can do much, even under our present system, to correct existing abuses and defects, yet it is also true that further legislation can, with profit, be enacted. If the Legislature would pass a law providing that no judgment in a civil or criminal case should be reversed unless the court could affirmatively say, after an examination of the entire record, that the judgment was for the wrong party and that but for the errors complained of a different judgment would have been rendered, our

appellate courts would then have no excuse or justification for the reversal of judgments upon technicalities not affecting the merits of the litigation.

INCREASING JURISDICTION OF COURTS OF APPEALS

The present congested condition of the Supreme Court docket, which results in a delay of three years in the decision of cases appealed to that court, is a direct denial of the mandate of the Constitution that "justice shall neither be delayed nor denied."

The correction of this condition must rest, to a large extent, with the Judges themselves, but something can be done by the Legislature towards this end. If the Legislature would increase the jurisdiction of three Courts of Appeals from $7,500 to $10,000, it would bring about a substantial decrease in the number of cases appealed to the Supreme Court and a corresponding increase in the number of cases within the jurisdiction of the Courts of Appeals, with some correction, at least, of the delay in the decision of cases on appeal.

SUPREME COURT COMMISSION

In view of the recent decision of the Supreme Court holding unconstitutional the statute providing for the transfer of cases from one Court of Appeals to another, this Legislature should investigate as to whether under the provisions of the Constitution it would not be possible to pass a valid law for the accomplishment of this result. And even with the enactment of a law directed against the reversal of cases on account of technicalities not affecting the merits of the litigation and a law increasing the jurisdiction of the Courts of Appeals from $7,500 to $10,000, it may still be found necessary to adopt other measures to relieve the present congested condition of the docket of the Supreme Court. The delay now incident to appeals to that Court is intolerable and should not be permitted to longer continue. If no other method can be devised, it

would, in my judgment, be advisable to provide for a commission, for a limited period, to aid the Supreme Court in the decision of cases pending in that tribunal.

ELECTIONS

The conduct of elections is a subject of constant and important concern to all the people of the State. For upon the honesty and the fairness with which our elections are conducted depends our form of government itself. If fraud or dishonesty controls the result of elections, we do not enjoy a republican, or a representative, form of government, for the people no longer rule in the election of their public officials. The conduct of elections in the large cities is particularly a subject of public concern, for in St. Louis and Kansas City the elections are conducted by a Board of Election Commissioners appointed by the Governor, and in Kansas City, St. Joseph and St. Louis the honesty and the fairness of the elections depend, to a considerable extent, upon the work of the Police Departments, which are under the authority of a Board of Police Commissioners, also appointed by the Governor.

During the course of the last two years four local elections have been held in Kansas City, one in St. Louis and one in St. Joseph, and in none of these elections was there a charge or suggestion that a single dishonest vote had been cast, or a single vote dishonestly counted.

A charge of fraud, as well as irregularities in the conduct of the last general election in St. Louis has been made by Democratic candidates, but this charge remains to be proven and no evidence has as yet been made public to support it. But whether true or false, too much care cannot be exercised to see that our elections are legally and honestly conducted. Two years ago an election law embodying the suggestions made by the Boards of Election Commissioners in Kansas City and St. Louis was passed by the House, but failed to receive the approval of the Senate.

I recommend to your favorable consideration such changes in our election laws as will provide bi-partisan election boards in Kansas City and St. Louis, and I believe our election laws should also be changed so as to give to judges of election the right to require every voter whose vote may be challenged to write his name for comparison with his name upon the registration list.

Other recommendations of changes in the election laws of these two cities are contained in the reports of the Boards of Election Commissioners of those cities, which will be submitted to you during the session of the Legislature, and to which I invite your earnest consideration.

PRIMARY ELECTION LAW

In 1907 the 44th General Assembly enacted a general primary election law and a senatorial primary election law. Both of these statutes have now been tested by experience in two elections, and the results have been neither entirely satisfactory nor corrective of the evils and abuses incident to the old convention system that they were intended to correct.

While it is unquestionably the desire of the people to have a larger participation and influence in political affairs and in the nomination of candidates for office than was oftentimes the case under the old system of nominating conventions, yet it is evident that a system of nominations by primary elections which places too much of a burden upon the people results in the defeat of the objects intended to be accomplished and makes possible evils and abuses as objectionable as those incident to the old system. I believe that while the general principle of nominations by direct primaries should be retained changes should be made in both of these laws which would tend to remove the objections that now exist concerning them. It would, in my opinion, be advisable to make one of two suggested modifications: Either require that only the more important offices, such as governor and congressman, should be nominated

by direct primary and have the balance of the ticket nominated by a convention; or, have the provisions of the primary law apply only in case 10 per cent of the legally qualified voters of any political party should petition the governing committee of that party, either in the State or in any political subdivision thereof, to have the nominations made by a primary election. There were good features of the old convention system that might with profit be retained, and if neither of these changes are made in the present election law, it might be advisable to adopt the plan which has been adopted with success in other states of providing for a preliminary nominating convention at which the platform of the party would be adopted and the names of all candidates receiving ten per cent of the votes of the convention should be placed upon the ticket in the order in which they received votes, with provision for placing other names upon the ticket by petition.

I am still of the opinion that I expressed to the General Assembly two years ago—that the senatorial primary election law is unconstitutional, and I am clearly of the opinion that its effect is to prevent independence in voting and to secure political advantage for that party in which the contest for the nomination for senator attracts the most attention from the people. I believe that the nominations of candidates for United States Senator should be made at the general primary or that what is known as the Oregon system should be substituted instead of the present law.

CONCLUSION

Following each decennial census, the Constitution imposes upon the General Assembly the duty of dividing the State into State Senatorial districts, and the Federal Statutes provide for the dividing of the State into Congressional districts upon the basis of the apportionment fixed by Congress. As the proper consideration and discussion of the various places of these important questions would unduly extend

the length of this message, I will, in a subsequent communication, submit what I have to offer for your consideration.

All of the questions that I have discussed in this message, with the possible exception of the question of "home rule," are entirely non-political in their character, and I trust that they may be considered and dealt with by you in such a way as to increase the confidence of the people in representative government and show that Missouri is in accord with the advanced and progressive thought of the country in the working out of these problems of government.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

SECOND BIENNIAL MESSAGE

JANUARY 8. 1913

From the Appendix to the Journals of the General Assembly, 1913

STATE OF MISSOURI, EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, JANUARY 8, 1913.

To the Senate and House of Representatives of the 47th General Assembly:

The provision of the Constitution that requires the Governor, "at the close of his term of office, to give information by message of the condition of the State, and recommend such measures as he shall deem expedient," was intended to give to the General Assembly the conclusions and opinions of a retiring Governor based upon his experience in dealing with the affairs of the State for four years.

To comply with this provision of the Constitution and give to the people of Missouri, through their representatives in the General Assembly, information as to "the condition of the State" is a source of pleasure and satisfaction.

I feel that I can with entire fairness congratulate the people of Missouri upon the condition of their public service, and also upon the absence of any substantial differences of opinion between the various political parties upon public questions which have heretofore been the subject of active political controversy and division.

The various State educational, eleemosynary, penal and reformatory institutions have been well conducted; substantial additions and new buildings have, in many cases, been constructed; a marked improvement in the physical condition of all has been effected; modern and more scientific methods of management have, in many instances, been established; and the money appropriated by the State for the maintenance of these institutions has been honestly and wisely expended. The different State departments have been conducted with efficiency, and, I believe, have

fully justified the wisdom of the legislation establishing them. I have had a careful audit made of the accounts of every State institution and of every executive department, in addition to the audit of the auditing and visiting committees, and in no instance has it been discovered that any of the State's money has been improperly used.

A number of bills dealing with such important questions as: Public Service Corporation Commission, home rule for the large cities of the State, commission form of government, the establishment of a Board of Pardons and Paroles, simplification of court procedure, reform of the revenue laws, establishment of a State reformatory, an industrial school for negro girls, and the support of a State Immigration Commission, were considered by the Forty-fifth and Forty-sixth General Assemblies, but, by reason of differences of opinion as to their advisability, failed to become laws. Now the prospect of the enactment into laws of all of these measures is a most favorable one, in that the three leading political parties of the State have all declared in their State platforms in favor of practically all of these measures. To these subjects I will refer particularly during the course of this message.

STATE FINANCES

A matter of first concern in the conduct of public affairs is the condition of the State's finances. When I took the oath of office as Governor on the 11th of January, 1909, a serious, if not an alarming, financial situation confronted the people of this State. During the biennial period that closed on the first of January, 1909, the appropriations amounted to $10,441,625.88, while the revenues available for that period amounted to only $8,191,254.07. This left appropriations to the amount of $2,230,371.81 that were outstanding and unpaid. After a careful investigation of all of these excesses of appropriation the 45th General Assembly found it necessary to reappropriate approximately $1,000,000 of the appropriations made and unpaid during

the preceding biennial period, making the appropriations for the biennial period ending January 1, 1911, $10,231,-930.15.

As it was estimated that the revenues available for the payment of these appropriations would not amount to exceed $8,700,000, it became necessary for additional funds to be provided, or else the State would be confronted with a condition of insolvency.

I urged upon the 45th General Assembly the enactment of a number of revenue measures, only one of which received its approval, namely, a bill changing the system of inspection of petroleum by abolishing the various coal oil inspectors throughout the State, creating the office of State Coal Oil Inspector and increasing the fees for the inspection of the refined products of petroleum. This resulted in the addition of approximately $200,000 each biennial period to the State's finances.

I endeavored to induce the General Assembly to equalize the saloon licenses, but as that measure failed, the same result was, in effect, accomplished through the orders of the excise commissioners in Kansas City and St. Louis, whereby an additional $600,000 was added to the finances of the State each biennial period.

In addition to these new sources of revenue, the condition of the State Treasury was relieved by a number of unexpected reincorporation fees of large corporate interests and by the $150,000 fine imposed in the Standard Oil litigation. With this addition of approximately $1,000,000 of revenue each biennial period and the annual increase in the assessed value of the real and personal property subject to the general property tax, together with the practice of economy in all the departments of the State and the State institutions, all appropriations made during the last four years that were necessary for the conduct of public affairs have been met, and a surplus of $500,000.00 is now to be found in the State Treasury.

While this situation is, of course, satisfactory, the real question of importance, to which I shall subsequently refer in this message, is as to whether the State government has performed its entire duty to the people of this State in making needed appropriations for all necessary public purposes. While the practice of economy in the conduct of public affairs is a policy which is absolutely necessary, yet, upon the other hand, the concern of those in charge of public affairs should be not to see how little money can be spent, but what expenditures are necessary in order to make the State government mean as much as possible to the people. The danger of a deficit in the State's finances has made it necessary that the appropriations for the conduct of the educational, eleemosynary, penal and reformatory institutions of the State should be kept at as low a figure as possible consistent with the conduct and maintenance of the institutions at all. This lack of proper financial support has prevented many needed reforms and improvements in these institutions. Under these circumstances, it is a source of surprise, as well as congratulation, that they have been conducted as well as they have, and that as many substantial improvements and additions to their equipment have been made.

MANAGEMENT OF STATE INSTITUTIONS

In a number of the State Hospitals for the Insane, industrial training departments have been added, together with new equipment or apparatus for the treatment and cure of the patients. The institution for the feeble-minded and epileptic at Marshall, which was partly burned during the administration of Governor Folk, has been rebuilt; a separate building for patients afflicted with tuberculosis has been constructed at State Hospital No. 1 at Fulton and No. 3 at Nevada, and separate buildings have been provided for those thus afflicted both at St. Joseph and Farmington. Other substantial improvements and additions, as shown by the reports of the Boards of Managers of these

institutions, have been made. Two new buildings have been constructed at the State Sanatorium for Tuberculosis at Mt. Vernon, and that institution is now well equipped for carrying out the purposes for which it is established. While many improvements and additions both in the way of buildings and equipment have been made, many more should be made in each of these institutions. I believe, however, that as much progress and improvement has been accomplished in the physical condition and in the management of each of these institutions as was possible with the means provided or available. Too much praise cannot be given to the public-spirited men who have given gratuitously of their time and ability to the management of these institutions. The time has come, however, in my judgment, when a different system for the management and control of these institutions should be adopted. I believe a central board of management or control should be provided for for at least the four State Hospitals for the Insane and the Colony for the Feeble-minded and Epileptic. This would give not only greater economy in the management of these institutions, but it would also give to each the services of a board of managers whose special business it would be to see that they were conducted in the most modern, humane and scientific method possible.

Bills making such a change in the management of the State eleemosynary institutions have been introduced a number of times in the Legislature and passed by the Senate or House. But the opposition of local interests has in each instance defeated them. At a conference of the Governors of twenty-three states, which I attended, this question was discussed. In a majority of the states represented, central boards of control had been provided for, and the reports from these states were most encouraging as to the results secured. Twenty-one of the twenty-three Governors present favored the central board of control in the management of institutions of the same general character, and I am confident that the correct theory of government is recognized

and expressed in the concentration of responsibility which, of course, means a concentration of power and authority.

The fact that good results have been secured under our present system of management does not prove that better results cannot be secured by a different system.

Even under the present imperfect system there has not been nearly as much difficulty in keeping the state eleemosynary institutions up to a commendable standard of efficiency as in the case of similar institutions in most of the counties of the State. The recent investigation made under the direction of the State Board of Charities and Corrections, has disclosed a disgraceful condition in some of the county jails and almshouses. For investigating the condition of these institutions as well as for other efficient services rendered, the State Board of Charities and Corrections has earned its right not only to a more liberal support than it has hitherto received, but also to a broader and more complete authority in dealing with the matters placed under its supervision and control, and particularly county jails and almshouses.

In view of the special and experimental character of the Tuberculosis Sanatorium, I would recommend that it be maintained, for the present, at least, under a separate board of management, with the idea of eventually placing it under the control of the central Board of Control, should such a board be established.

I favor a similar change with reference to the management of the State's penal and reformatory institutions, although all that has been said with reference to the improvement, changes and reforms in the management of the State eleemosynary institutions can, with equal correctness, be asserted with reference to the penal and reformatory institutions of the State. But as it is my intention to deal with these institutions in a separate message, in which I comply with the provisions of the statute requiring that I report the number of pardons, commutations and paroles granted by me since the adjournment of the last session of

the General Assembly, I will make no further reference to this subject at this time.

DUTY OF THE STATE GOVERNMENT TO THE PEOPLE

I wish, however, to impress upon the members of the General Assembly that the duty of the State government is not discharged by caring for, in a humane and kindly way, the deficients and the unfortunates of the State. The State's duty is not discharged by providing a place where they can be made physically comfortable, or even where modern and scientific methods of cure or reform can be practiced. It is as much the duty of the State to endeavor to correct the conditions that produce the deficients, the unfortunates and the dependents of society and also those who offend against its laws, as it is to care for them after their incapacity or deficiency is created. The profitableness of such a policy, from a mere financial standpoint, is easily demonstrated, while the obligation to pursue such a policy upon humanitarian and sociological considerations is also beyond question.

While it is, of course, not possible for the State to provide any scheme of legislation by which the existence of deficients, unfortunates and dependents can be avoided, nor the tendency of men to violate laws corrected, yet the State can do some things by legislation which will tend to prevent the increase of those for whom society must care or against whom it must protect itself.

Dependable statistics give us the alarming information that the population of our jails, our penitentiaries, our poorhouses and our hospitals for the insane is increasing far more rapidly than the population of the country. The cause of this condition should be a matter of careful study and examination, and everything that can be done to correct the conditions which produce such a result should be done. Missouri enjoys the unenviable distinction of having the largest penitentiary in the world. This is because we have placed all of our prisoners in one institution, and have failed in the manifest duty to provide a State reformatory.

While we have provided an industrial school for white girls, an industrial school for negro girls has not been established. The last Legislature made an appropriation for the purchase of a site for such an institution, and the two leading political parties in the last campaign promised in their platforms to favor an appropriation for the establishment of such an institution.

PREVENTION AND CURE OF TUBERCULOSIS

A single instance will emphasize the duty of the State along the lines of prevention rather than of cure. In dealing with the question of the prevention and cure of tuberculosis, the State's duty is by no means discharged by the establishment of a State sanatorium for the treatment of a very small number comparatively of those afflicted with this dread disease. Prior to the convening of the last General Assembly, I appointed a commission to investigate the conditions in the State due to tuberculosis, and to submit to me a report showing the extent to which this disease existed, the financial and social loss incident thereto, and what might be done by the State to check its spread. This commission, composed of some of the leading men and women of the State, of which Archbishop John J. Glennon was chairman, made a most comprehensive and exhaustive examination and report as to these conditions, which report was submitted to the Forty-sixth General Assembly. It disclosed a most alarming situation due to the existence of tuberculosis, in that between 4,500 and 5,000 people in this State die from this disease every year; that 50,000 people are, at all times, partially or totally incapacitated thereby for any useful occupation, and that the annual financial loss, due to this disease, was over $30,000,000. And yet the State is expending less than $150,000 each year in its efforts to prevent and cure this disease, which all medical authorities agree is one of the most curable and preventable diseases to which mankind is subject. Only one law was passed by the last General Assembly in response to the

recommendations of this commission, and that was a law authorizing different counties in the State to form separate districts for the establishment of local sanatoria for the treatment of tuberculosis. One county, Buchanan, has availed itself of the provisions of this act.

I recommend to this General Assembly that it adopt the other recommendations made by that board, which included:

Increased powers of State Board of Health; establishment of State Tuberculosis Commission for carrying on a campaign of education; authority to counties or groups of counties to establish sanitariums; tubercular inmates of State institutions to be segregated in hospitals in separate buildings; tuberculosis hospital to be provided at the State Penitentiary; more liberal appropriations for the State Sanatorium at Mount Vernon, and system of housing, heating and ventilation of State institutions and schoolhouses to be provided for.

I suggest that, in view of the danger of tuberculosis coming from milk of cows affected with tuberculosis, a law be passed requiring all dairy cows in the State to be inspected before the milk is allowed to be sold.

In addition, I feel that special instruction should be given in all the public schools and higher educational institutions of the State as to the approved methods for the prevention and cure of this disease. The statement is made by those who are best qualified to speak upon this subject that if everything was done that could be done by all the states of the Union to prevent the existence of tuberculosis, in the course of the next twenty years this disease, with its frightful toll of lives and its almost inestimable loss, could be entirely eradicated.

PUBLIC HEALTH AND WELFARE

The authority of the State Board of Health in dealing with this and other conditions affecting the public health, should be enlarged. Typhoid fever, like tuberculosis, is

not only unnecessary, but a positive crime against civilization. It can be communicated only from an impure source of food or drink, and proper methods of inspection and sanitation practically prevent its existence. The authority of the State Board of Health in dealing with local epidemics and health conditions should also be enlarged, as too often are the local authorities disposed to view such conditions with leniency or indifference, to the injury of the people in other counties and cities.

SOCIAL WELFARE

In addition to the efforts of the State along these lines, much can be done towards bringing about fairer industrial conditions, which, of necessity, affect the condition of society as a whole. Scientific investigations, as well as humanitarian impulses, demand that the State's power should be exercised to the fullest extent to prevent child labor and labor of women under such conditions as will impair health and individual efficiency and result in weakened bodies and mind.

Reasonably satisfactory progress has been made in legislation of this character in this State, but this should not prevent the present General Assembly from enacting such additional legislation along these lines as may have been found advisable and helpful in other states in preserving the capacity and efficiency of the race by preventing the labor of women and children and men under conditions that are injurious.

WORKMEN'S COMPENSATION LAW

Another law tending to the establishment of a larger measure of social and industrial justice, concerning which all political parties are now happily agreed, is a workmen's compensation law. Prior to the convening of the last General Assembly, I appointed a commission to investigate this subject, with which the people of this State were then generally unfamiliar, and to report the result of their in-

vestigation for the benefit of the last General Assembly. The present Attorney-General-elect, Hon. John T. Barker, chairman of that commission, was assisted by a number of men prominent in official and industrial affairs of the State. The report of that commission favored such legislation, but stated that it had not had time to sufficiently investigate the subject to make a specific recommendation as to a law. At that time only five states had adopted such a law, although for years it had been provided for in practically every civilized nation in the world except ours.

I asked the last Legislature to provide a commission to continue the investigation of this subject, but only the Senate acted upon that recommendation, providing by resolution for the appointment of a commission of five members of that body. As no funds were provided, there was no prospect of the commission doing any of the preliminary work necessary to a proper consideration of this subject. I induced some of the public-spirited business men of the State, who were interested in this subject, to provide the means necessary for the payment of the expenses of a commission. I asked the Speaker of the House of the last General Assembly to appoint five members, and I appointed five additional members, which made a commission of fifteen, composed of the following: C. G. Brittingham, George Manual, Charles S. Keith, F. C. Schwedtman, John C. Barrows, James H. Hull, Thomas J. Roney, J. F. Barbee, Roy Britton, McLain Jones, A. E. L. Gardner, A. L. Oliver, Wallace Greene, B. L. White and Holmes Hall, of which Senator A. L. Oliver was chairman and Senator Wallace Greene secretary. This commission has given this question careful consideration, and has agreed upon a bill which will be recommended to this Legislature. If Missouri is to keep pace with the other progressive commonwealths in dealing with this question, some measure upon this subject should be enacted. The experience of other states and other countries furnish a safe guide as to the best law to be adopted here. I express the hope and belief that the members of this General Assembly will

agree upon some plan of workmen's compensation law which will be applicable to the conditions in this State, and which will result in certain, substantial and prompt compensation for those injured in industrial occupations, with no increase of charge upon employers or the general public over that which has been borne under the present system of compensation upon a basis of actionable negligence.

Other laws calculated to secure a larger measure of social and industrial justice, which will eventually result in a decrease in the criminal and dependent classes for which society must provide, could be suggested, but these laws which I have already referred to offer a reasonably full program for the work of one General Assembly.

WORK OF EDUCATION

Another matter which should be at all times the first concern of a state government is the condition of its educational system. The people of Missouri have much to congratulate themselves for in the conduct of their educational affairs, but we have also great improvements to make. Our State University, State Agricultural College and State School of Mines and State Normals all rank deservedly high compared with similar institutions of other states, and it is a source of surprise that such good results have been secured in these institutions with the small appropriations which have been made for their support, compared with the appropriations for similar institutions in other states.

While one-third of the State's revenue is set aside for the support of our public schools, yet there is a serious question as to whether the results have been secured in this department of education that should have been secured. A wise measure for the distribution of the school moneys was passed by the last General Assembly, and a number of specific recommendations with reference to the work of education have been made by the Department of Education, to which I invite your careful consideration. Not only

is the highest possible standard of efficiency of our educational institutions advisable from the standpoint of equipping our people for performing the duties of citizenship, but also for dealing effectively with these new social and industrial problems which modern conditions are forcing upon us.

REVENUE AND TAXATION

In order that the State may realize its opportunity and respond to its duty in these and other regards, there must be ample provision for public revenues by public taxation to meet the demands for these new burdens and expenses which the State should assume. There is no difference of opinion on the part of those familiar with our present system of taxation that it is unfairly and unequally enforced, and, therefore, results in discrimination, injustice and oftentimes in the penalization of industry. All the real estate is, of course, assessed for the purpose of taxtion, but the rate of assessment varies from 15 per cent of the actual value in some of the counties to as high as 65 or 70 per cent of the actual value in some of the cities of the State. Certain classes of personal property returned for taxation, such as moneys, notes and bonds, are assessed at 100 per cent of their value; certain other classes of property, such as bank stock, are assessed at 55 per cent, while personal property, such as horses, mules and other live stock, are assessed at about the same per cent of their value as real estate. The inevitable and necessary result of such a condition of inequality in assessment is that those whose property consists of moneys, notes and bonds feel that they are justified in failing to return this class of property for assessment. The result is that comparatively a small portion of the wealth of the State invested in this class of property is returned for the purpose of taxation. The total assessment of money, notes and bonds in the State is $112,533,237.00, while the money alone deposited in the banks and trust companies of the State February 20, 1912, amounted to $451,586,620.00.

The ineffectiveness of our present system of taxation makes an almost unanswerable argument for its correction or change.

I recommended to the previous General Assemblies and endeavored to secure, as a member of the State Board of Equalization, such enforcement of existing law and such changes in existing laws as would result in the complete return of all property for the purpose of assessment, and the assessment of all property at the same per cent of its value. I urged the bringing about of such a result in the belief that if there was any substantial increase thereby, as I felt there would be, in the assessed value of the real and personal property of the State, there could be, and should be, a reduction of the State tax rate by the Legislature and the tax rate for local purposes in the counties and cities of the State.

These efforts were not attended with success, but I hope, in view of the fact that the two leading political parties are now agreed upon such changes in our revenue laws as will result in a more equitable distribution of the burdens of taxation, that this question can now be dealt with in an intelligent, fair and effective way.

NEW SOURCES OF REVENUE

I have believed in and have advocated the policy of securing an effective enforcement of our present revenue laws before making any substantial changes therein, and certainly before we change to an entirely different system. I believe, however, it would be advisable to provide for a recording tax for notes secured by deeds of trust or mortgages upon real estate in lieu of the general property tax upon this class of property, the enforcibility of the security being made dependent upon its being recorded and the recording tax paid. This class of property, as I have said, now escapes taxation almost entirely, and under any system it will escape taxation to a considerable extent. Such a recording tax would unquestionably lower the interest rate

in this State and produce a large increase of the State's revenues from this class of property.

I have recommended to previous General Assemblies a corporation franchise tax and general inheritance tax, with liberal exemptions, so as not to place a burden upon property inherited which is necessary for the support of the person receiving it. Since my first recommendation was made in favor of a corporation franchise tax, the United States Government has availed itself of this source of taxation, but something like twenty states have provided by law for a corporation franchise tax, and, in my judgment, such a tax is much more advisable for a state to avail itself of than for the National Government, because it is the state which gives the corporation its franchise of existence.

We now impose a tax upon collateral inheritances, which goes not to the general revenue fund, but the State University. In my opinion, the proceeds from this fund should be turned into the general revenue fund, and in addition to this a general inheritance tax should be imposed with, as I have stated, an exemption of at least ten thousand dollars, and, if constitutional, the same should be made graduated rather than fixed.

I again recommend that there should be an equalization of saloon licenses throughout the State by fixing the maximum now provided by statute, in order that the amount of this tax should not be left to the whim or caprice of the excise commissioners and county courts throughout the State.

The Forty-sixth General Assembly gave its approval to a joint resolution approving an amendment to the Constitution of the United States authorizing Congress to enact an income tax law. I recommended this amendment to the favorable consideration of the Forty-sixth General Assembly, although in my opinion, a tax upon incomes should not be levied by the National Government, except in war or other national emergency, but should be imposed by the various states. Some seventeen states have provided by law for a

general income tax, with an exemption such as relieves from taxation the incomes necessary for the support of every person and his family. While varying results have attended the attempt to enforce an income tax in the various states, the recent experiment of the State of Wisconsin leaves no room for doubt as to the effectiveness of such a tax in the producing of revenue, and it is, in my judgment, as just and fair a method of taxation as can be devised. I have no question as to the right of the Legislature to impose an income tax, with a liberal exemption of such income as is necessary for support and maintenance, and graduated thereon in proportion to the income received. Such a tax, would, in effect, be a substitute for the general property tax, in that the general property tax could be reduced proportionately as revenue was raised from the tax upon incomes. It is entirely probable that the amendment to the Constitution authorizing Congress to impose an income tax will, during this year, receive the approval of the necessary number of states. But if a majority of the states should proceed to avail themselves of this source of revenue, it is highly improbable that it will ever be imposed by the National Government except in times of war. I, therefore, recommend that a law for that purpose be enacted by this General Assembly.

One of the most important reforms to be accomplished, in my judgment, in the matter of taxation, would be to provide by law for a State Tax Commission, whose special duty it would be to see that the revenue laws of the State, whatever they may be, are enforced. The lack of successful and efficient enforcement of our present taxation laws emphasizes the necessity of such a commission. Those states which have provided for a tax commission have realized a far more equitable and effective enforcement of the taxation laws than those which have not.

BUILDING OF GOOD ROADS

In answer to the argument that may be suggested that we should not seek to secure additional subjects of taxation or additional revenue for State purposes, in view of the present satisfactory condition of the State's finances, I wish to call attention to the fact that there are, in addition to the matters already mentioned, many other duties which the State should perform and which it is either neglecting or performing in an unsatisfactory way.

There is no work which is more important for the people of this State to actively encourage than the work of building good permanent roads. Only about 5 per cent of the 110,000 miles of public roads of the State have been made dependable for use 365 days in the year. While more progress has been made during the last two or three years than in a long number of years in the building of roads in this State, much more should be done than is done by the State to aid in the carrying on of this work. During the last two years over a million dollars has been provided for by bond issues by townships and special road districts for the building of good roads, being the first money, with one exception, that has been raised in this way for this purpose since 1844. A cross-State highway has been designated by the State Board of Agriculture, which is the State Highway Commission, with the advice of the State Highway Engineer, Mr. Curtis Hill, and 120 miles of this highway has now been made a permanent, dependable road, and the balance has been graded so as to be available for travel from the eastern to the western border of the State. About $3,000,000 of public revenues, derived from local and State taxation, is expended annually in the building and maintenance of the public roads of this State, and unsatisfactory and inadequate results come from the expenditure of this immense amount of money. The general State road fund derived from automobile licenses produces less than $100,000 each year, and the good roads' fund derived from the stamp tax produces only $54,000 each year.

I vetoed the appropriation made by the last General Assembly of the money in the good roads fund to be distributed to the various counties of the State in accordance with the school enumeration, in the belief that under the general State road law this money would go into the general State fund and be distributed to those counties which expended an equal amount to the amount received from the State on building public roads. The Supreme Court, by a majority of one, took a different view of the State law. I feel, however, that from the standpoint of policy alone, I was justified in vetoing this appropriation. Experience has shown that it is a mistaken policy for the State to distribute money automatically and without proper safeguards as to expenditure, to the counties or political subdivisions of the State. I believe that the money derived from the stamp tax and from the tax upon automobile licenses should all go into one general State road fund, and to this fund should also be given, in my opinion, the money derived from the inspection of the refined products of petroleum. This fund is largely contributed to by those who own automobiles who are naturally interested in the subject of good roads, and then revenue for the carrying on of the State government should be derived from general, and not special, sources of taxation. From these three sources would be derived at least one-half a million dollars each biennial period for the State road fund, and this amount should, in my judgment, be distributed to the counties, townships and special road districts, no county to receive in excess of 5 per cent of the entire fund, and the county or political subdivision to provide twice the amount received from the state treasury. It should also be provided that any state aid to the local subdivisions of the State should be expended in permanent road improvements and under the direction of the State Highway Engineer.

I personally favor the submission of an amendment to the Constitution providing for a bond issue, in substantial amount, payable in an extended period of years, for State aid in the building of roads. I believe public sentiment

would now justify the submission and approval of such an amendment. Existing road laws should be carefully examined to see if minor amendments thereto cannot be adopted, making the carrying on of the work of road building more effective.

AGRICULTURE

The State has a further important public duty to perform towards the agricultural interests of the State in enlarging and increasing education and instruction in the proper use of our soil. While Missouri deservedly ranks high in the production of agricultural wealth and live stock, much more could be done than has been done along these lines. The average yield per acre of wheat in this State is only 15 bushels, while in practically all the counties of Continental Europe it is double that amount. While we produce a larger average yield per acre in corn than any state in the Union, it has been conclusively shown by scientific experiment that there could be an increase in our corn yield of from 20 to 40 per cent. Scarcely one-half of the soil of this State has been cultivated, and much of that which has been cultivated has been worn out by improper methods of cultivation, and must be rehabilitated if we are to continue to advance in the production of agricultural wealth. The extension of agricultural education, instruction and direction along scientific lines should be provided for.

FARM CREDITS

Another subject matter of legislation deserving of the consideration of this General Assembly is the enactment of a law providing for the organization of corporations for the purpose of extending credit to those engaged in agricultural pursuits. Such corporations in Germany and France have done much to contribute to the agricultural advancement of those countries by reducing the interest rate to farmers to 2 and 3 per cent; while in this country it is in excess of 8 per cent. This question was recently a subject of consideration

at the Conference of Governors of the various states, meeting on the invitation of the President at the National Capital for the discussion of this question. A committee of Governors has been selected to frame a law upon this subject, and it is one which is well deserving of the investigation and favorable consideration of the various states.

IMMIGRATION BOARD

The establishment of a State Board of Immigration and the making of an appropriation therefor has been a subject upon which there has been some difference of opinion. But this is another instance in which, happily, differences have ceased to exist, if the declaration of the various political platforms can be accepted as a correct statement of the attitude of the members of the different political parties. During the ten years ending in 1910, Missouri suffered an actual loss in her rural population, and this, notwithstanding the fact that the undeveloped and unused agricultural, industrial and mineral resources of the State are not excelled by any state in the Union. An active and liberally supported State Board of Immigration should be provided for.

The support of the State Waterway Commission should be continued, and the Forestry Commission, which has existed without sanction of law, should be provided for to look after the proper conservation of the seventeen millions of acres of woodland in this State. The State Board of Geology and Mines and the Bureau of Mines and Mining Inspection, which have rendered useful public service in the encouragement and proper conduct of mining enterprises of the State, should be continued and liberally supported.

HOME RULE

Another agreeable absence of difference of opinion with reference to legislation affecting political or public affairs has also been secured. The question of home rule for the

large cities of the State has been for years an active subject of discussion and political difference. Our present system of State Boards for the management and control of the police and excise affairs of the large cities came from the passions and prejudices of the Civil War on account of the peculiar political conditions then existing in Missouri. This system has been continued, not because its advisability has been demonstrated as a correct theory of government, but because it seemed to be useful in matters political, and for the further reason that it is difficult to abandon a power once assumed. The demand for home rule first arose in this State from abuses incident to the action of police and excise officials in the large cities in using their offices for the accomplishment of political results. During the last eight years the demand for home rule, for these reasons, has practically ceased to exist, and much of the sentiment for home rule is now based upon the dissatisfaction with State laws regulating excise affairs in the cities. The impression seems to exist with some that if the selection of police and excise officials in the large cities was transferred from the governor to the mayor, there would be a lax or ineffective enforcement of these laws. If this was the only reason upon which the argument for home rule could be based, the present policy should not be abandoned. Such, however, is not the case. As a correct theory of government the people of the large cities of the State should have the right to select their own police and excise officials. The conduct of these departments of government concerns, in the first place, the people of the large municipalities. Under the present system, any abuse of authority by these officials can not be corrected by the people who are most directly affected thereby. That government is generally the best government which is closest to the people, and it should always be within the power of the people most concerned in the proper conduct of government to correct abuses therein and to remove from office those who may have been derelict in the performance of their official duties. The selection of police and excise officials in the large cities should be given to the people of

the large cities of the State both as a right and as a duty. But the people of the State also have a concern as to the manner in which life and property are protected by police officials in the large cities and as to the manner in which the dramshops are compelled to obey the law. This, in addition to being a matter of local concern, is also a matter of State concern. And particularly, after maintaining the existing system for half a century, a change now in the power of appointment of these officials from the Governor of the State to the mayors of the large cities should be accompanied by the power of removal upon the part of the governor of police and excise officials, who fail to perform the duties with which they are specially charged.

In the hope that this question might be taken out of politics, and dealt with upon its merits, I asked the civic organizations of Kansas City, St. Louis and St. Joseph to appoint a commission to investigate this subject and recommend a law for the consideration of the last General Assembly. This commission, composed of L. A. Laughlin, R. B. Middlebrook and F. F. Rozelle, of Kansas City; Edward C. Eliot and Jesse McDonald of St. Louis, and Hugh C. Smith and W. K. James of St. Joseph, recommended a law in the nature of an enabling act, authorizing the people of the large cities, either by amendment to their charter, or by ordinances, to provide for the appointment of police and excise officials, by the mayor, with the provision that it should be a feature of such enactment that the governor and mayor should have the right to remove such officials if they should fail to perform the duties with which they were specially charged. I recommended that law to the consideration of the last General Assembly and I now renew that recommendation.

I vetoed a so-called home rule measure passed by the last Legislature, which provided for bipartisan excise and police boards in Kansas City and St. Louis, the members of the board to be selected with no provision for their removal by the Governor for failure to perform the duties with which they were specially charged. It would be diffi-

cult to suggest a much more vicious or indefensible system or method than this of restoring home rule in police and excise affairs to the people of the large cities of the State. I sought the opinion of the special commission representing the civic organizations of Kansas City, St. Louis and St. Joseph upon this measure, and they all denounced it unqualifiedly as a vicious piece of legislation. I feel quite confident that if home rule was restored to the people of the large cities in this form that it would prove so unsatisfactory that there would soon be a return to the present system. I believe, therefore, that anyone who advocates such a system or method of restoring home rule to the people of the large cities of the State is intentionally, or unintentionally, working against the principle of local self-government.

There is no more important problem of government before the American people than the problem of the government of the cities, and if this problem is ever to be satisfactorily solved, the people of the large cities must provide good government for themselves, rather than have it provided for them by some outside authority.

COMMISSION FORM OF GOVERNMENT

In this connection, it is important that the people of the cities should have the advantage of the best and most efficient machinery for the conduct of their municipal affairs. The so-called federal plan of government which has been generally followed throughout the country in the government of municipalities is cumbersome, illogical and inefficient. The conduct of municipal affairs is more a matter of business management than of anything else. The experience of other states that have provided for the commission form of government leaves no room for doubt as to the advisability of an act giving authority to the cities of this State to provide this form of government in place of the present antiquated, inefficient system. I trust the bill considered by the Forty-sixth General Assembly authorizing

the cities of the second class to provide for the commission form of government will receive the favorable consideration of this General Assembly.

PUBLIC SERVICE CORPORATION COMMISSION

Another question concerning which there has been a marked difference of opinion in the last two General Assemblies, and concerning the advisability of which all political parties seem now to be agreed, is a Public Service Corporation Commission for the regulation of the rates and the service of enterprises affected with a public use. Both the right and the duty of the State to exercise its powers in these regards has long since passed the period of discussion. The only question is how this duty can be most effectively performed. Upon this point also experience leaves no room for difference of opinion that an appointive commission of men specially qualified for this work is the best one. There is no more reason why a commission to deal with the question of the regulation of the rates and the charges of public service corporations should be elected than there is why a State Board of Health or a State Board of Agriculture should be elected, instead of appointed.

A bill providing for a Public Service Corporation Commission, which was considered by the Forty-fifth and Forty-sixth General Assemblies, represents the study and investigation of those who have given this question a great deal of time and consideration, and I trust that this measure, or some similar measure, may receive the approval of this General Assembly.

ELECTION LAWS

It should be a source of congratulation to the people of the State that during the last four years they have enjoyed a conduct of election affairs which has given to every citizen the right to cast one ballot and have that ballot honestly counted as cast. The investigation of the election in the city of St. Louis in 1910, concerning which a question

was raised, fortunately demonstrated, as was evidenced by the decision of the Supreme Court, that the election there had been fairly and honestly conducted.

The last General Assembly passed a law providing for bipartisan election boards in Kansas City and St. Louis, and under this system the two leading political parties of the State have had equal representation in the conduct of election affairs in those cities. The experiment, up to the present time, has been such as to encourage its continuance. The experience of the State of Ohio, which has for a long number of years had bipartisan election boards in the large cities, has, I understand, been a satisfactory one. Under the provisions of our law, the representatives of the two political parties are selected from those recommended by the State committees of the two leading political parties. Waiving any question of the constitutionality of this enactment, I followed its provisions and those whom I appointed to represent the Democratic party upon the election boards in the large cities were from those recommended by the Democratic State Committee.

While in ordinary administrative boards I do not favor the bipartisan system, in the conduct of election affairs, I believe the principle is a correct one and that the present law should be continued in force.

There is no justification, so far as I know, in principle, why the appointment of the election commissioners in the large cities should be taken from the Governor and given to the mayors of those cities. The argument in favor of home rule in police and excise affairs does not apply to election affairs. A dishonest ballot cast or counted in St. Louis or Kansas City in a general election is of just as much concern and injury to the people of Cole county as is a ballot dishonestly counted or cast in that county. It is a matter of State concern that the honesty and integrity of the ballot should be safeguarded, and I see no reason why there should be a change in the appointive power of the election commissioners of large cities.

I believe there should, however, be a change in our election laws, in so far as the ballot is concerned. The present ballot in this State tends to, and was doubtless intended to, prevent independence in voting. It places upon the voter who wishes to vote for any considerable number of candidates other than those upon his own party ballot such a burden as to have a marked tendency to prevent such voter from carrying out his intentions and desires. This leads to a lack of discrimination in the selection of candidates for office and makes it possible for a bad or unworthy candidate to succeed, if he is on the ticket of the party that wins. In my judgment, it should be made as easy for a voter to vote for a candidate upon one ticket as upon another, and I recommend to the General Assembly the enactment of a law providing for the Australian ballot, or blanket ballot, upon which shall appear the names of all the candidates, and that the voter should indicate his choice of candidates by marking, opposite the name of each candidate he desires to vote for, a cross. The ultimate solution of our election problem must, in my opinion, be found in the adoption of the principle of the short ballot by the reduction of the number of elective officers. There is not much that can be done in this regard except by a constitutional amendment, the adoption of which would be for the best interest of the State.

SENATORIAL ELECTION LAWS

In this connection, I feel that there should also be a change in what is known as the senatorial primary election law. That law was also designed to prevent independence in voting. It also results, in effect, in the election of a candidate who may receive a comparatively small portion of the votes cast. If there should be a number of candidates for the nomination for United States Senator of the party that controls the Legislature, the candidate who received the nomination might receive less than 50,000 votes and still, in effect, be elected to that important office. I recom-

mend to this General Assembly the adoption of what is known as the Oregon plan, in case it seems probable that the amendment to the Constitution, providing for the direct election of United States Senators, will not secure the approval of the necessary number of states by 1914.

I assume that this proposed amendment to the Constitution will receive the approval of this General Assembly, as the principle of the direct election of United States Senators is not only a correct one, but has been repeatedly endorsed by all the political parties in this State. The Oregon plan accomplishes, in effect, the direct election of United States Senators. The candidates for that office, of each party, would be nominated at the August primary. The name of the successful candidate of each party would be placed upon the ballot of their respective parties for the November election, and the various candidates for the Legislature would be asked to indicate whether they would or would not agree to vote for that candidate for United States Senator who received a majority or plurality of the votes at the general election. Under the system now in vogue the candidate is, in effect, elected United States Senator who receives the plurality of the votes of the members of that political party which controls the Legislature. Under the proposed plan, that candidate for United States Senator would be elected who received a majority or plurality of all the votes cast at the election. Surely those who pretend to favor genuine popular rule and believe in the principle of democracy should not hesitate to favor the adoption of this change in the election of United States Senators, even though it is only a temporary one, pending the adoption of the proposed amendment to the Federal Constitution.

FIRE INSURANCE

The last General Assembly enacted a law which made a radical change in the attitude of the State towards the question of fire insurance. The law was enacted upon the theory that fire insurance was a business impressed with

public use, and that fire insurance rates were, therefore, subject to State regulation. The last General Assembly was induced to pass this law upon the assurance of representatives of the insurance companies that if the law was enacted there would be a substantial reduction in rates. Under the provisions of this act the insurance companies filed a basis schedule of rates with the Insurance Department, which the Superintendent of Insurance, Mr. Frank Blake, declared unreasonable and unjust. Notwithstanding this order, the companies recently endeavored to establish specific rates, based upon these basis schedules, which had been declared to be unreasonable, and to enforce the collection of these specific rates throughout the State. This action seems to have been taken as a matter of agreement and combination between the insurance companies, and the motive which has prompted such action is made evident by the fact that the specific schedules make a substantial increase, instead of a decrease, in the fire insurance rates of the State.

In theory, I believe the business of fire insurance is impressed with a public use and subject to state regulation, but the practical difficulty is that while the State may have, and probably does have, the power to order a reduction of rates, it has no way by which it can force the insurance companies to write insurance at the reduced rate if the insurance companies are unwilling to do so. As a practical proposition, State regulation seems to be, at least under the existing law, impossible for a further reason. The companies claim to have no information or statistics showing the reasonableness of the rates charged under the different classifications. In the absence of such information, effective State regulation seems impossible. If the policy adopted by the last Legislature is to be continued, then I recommend that there be provided a commission composed of three members, of whom the Superintendent of Insurance shall be one, to deal with this question, and that the right of the insurance companies to avail themselves of the law be suspended until such time as they are able to produce informa-

tion or statistics justifying the reasonableness of the rates fixed under the different classifications. As an alternative, and, in my judgment, under the circumstances, perhaps the wiser policy, would be to repeal the act passed by the last General Assembly and to re-establish the principle of competition by the strict enforcement of laws against combinations and agreements in the fixing of fire insurance rates in this State.

SIMPLIFICATION OF COURT PROCEDURE

I prepared and secured the introduction in both the Forty-fifth and Forty-sixth General Assemblies of a bill simplifying court procedure by prohibiting the reversal of cases upon technicalities not controlling the merits of the litigation. Strange as it may seem, this measure was defeated in both of those General Assemblies. Now I am pleased to note that all the leading political parties are agreed as to the correctness of this measure, and I hope that some legislation of this character can be passed by this General Assembly. I suggest to your favorable consideration the plan recently adopted by an act of Congress which confers upon the Supreme Court of the United States the power to provide the rules of practice and procedure in the Federal Courts. I favor the enactment of a law in this State that will give to the Supreme Court, acting in concert with certain designated number of Circuit Judges and Judges of the Courts of Appeal, the power to prescribe the rules of practice and procedure in all the courts of this State. There is a growing demand for simplification of our judicial procedure and an abandonment of the practice of reversing judgments upon technicalities not controlling the merits of the litigation. If the courts are to be held responsible for the results secured therein in the administration of justice, they ought to have the power to prescribe the rules of practice and procedure under which justice is administered. It is not fair to hold the members of the Judicial Department of the Government responsibile for the

results secured in the trial of cases under rules of practice and procedure prescribed by the Legislative and Executive Departments. I trust this subject may have the favorable consideration of the members of the General Assembly.

BANKING DEPARTMENT

Among the various departments of government that are entitled to special mention on account of the efficiency with which they have been conducted is the Banking Department, which for eight years has been under the able supervision of Hon. John E. Swanger. During the last four years not a single cent deposited in any of the State banks or trust companies has been lost by the failure of such bank or trust companies. I feel that the efficient supervision that has thus been provided for the banks and trust companies of the State could with profit be extended and the jurisdiction of this department enlarged so as to include corporations which are engaged in the business of selling stock as promotion enterprises to the general public. In this connection I feel that there should be a change in the corporation laws of the State by which the right to form a corporation is more carefully safeguarded. Before men should be permitted to associate themselves together as a corporation there should, in my judgment, be a preliminary investigation, either by a commissioner appointed by the Circuit Court or by some State official, to see that the assets are of the value stated in the articles of association and required by the law of the State. This department under such a law would prevent the "fleecing" of the people by the sale of worthless stock in promotion enterprises. Such an authority is now possessed by the State Insurance Commissioner over insurance companies, and during the last four years such authority has been effectively exercised in several instances. Similar laws in reference to other corporations and commonly known as "blue sky laws" have been found both useful and advisable in other states.

UNIFORM LAWS

There has been a gratifying tendency in various states towards uniformity in legislation, and the National Conference of Commissioners on Uniform State Laws has prepared a number of uniform bills which have been enacted by the various states. The Uniform Negotiable Instrument Act and the Uniform Warehouse Receipts Act have been enacted in this State. The following laws have also been prepared by this Conference, and will be introduced into this General Assembly: Uniform Sales Act; Uniform Stock Transfer Act; Uniform Bills of Lading Act; Uniform Laws Relating to the Annulment of Marriage and Divorce, and a Uniform Marriage and Marriage License Act. I trust that all of these measures will receive your careful consideration.

STATE PARKS

At the last General Assembly a bill providing for the purchase of what is known as Hahatonka Park failed of passage by one vote in the House after it had passed the Senate. I am familiar with the land that it was thus sought to purchase, and I do not believe that there are to be found a larger number of natural wonders and beauties in any place east of the Rocky Mountains than are to be found in this park. I have also come to know of other natural wonders and beauties throughout the State which, in my judgment, the State should own and make State parks. I recommend to the General Assembly not only the purchase of Hahatonka Park, but also the appointment of a commission to investigate other places in the State which would be suitable for State parks, with the idea that future General Assemblies also make appropriations for their purchase. With the increase in population of the State these places will become resorts whose natural beauties the people can enjoy, together with the pleasure and benefits of out-of-door life; and the wild-life of the State can there be protected and propagated. These parks will be of inestimable

value and satisfaction to the people of this State, and will also attract visitors from other states. In twenty-five years the wisdom of such a policy will be far more apparent than, perhaps, it is at the present time.

GAME DEPARTMENT

The Forty-fifth General Assembly wisely re-established a department for the preservation and propagation of the game and fish in the State, and made such changes in the law as to furnish protection to the wild life of the State. I appointed at the head of this department Mr. Jesse A. Tolerton, who has not only effectively enforced the laws for the protection of game, but has established and successfully conducted a State game farm for the propagation and distribution throughout the State of English and Mongolian pheasants and Hungarian partridges. While the addition of these new species to the game of the State is still somewhat experimental, the reports indicate such substantial increase in numbers as to justify a continuation of the experiment. The department was somewhat crippled by inadequate appropriations for its support by the last Legislature. I recommend that this department be not only generously supported, but that the laws for the protection of game and fish be improved in any particular which experience may have shown to be necessary.

NEW CAPITOL

During the session of the last General Assembly the State Capitol was struck by lightning, resulting in its destruction by fire. Pursuant to a recommendation that I submitted favoring the submission to a vote of the people of a three and one-half million dollar bond issue for the construction, purchase of additional land for a site and the furnishing of a new capitol, such a resolution received the approval of both Houses. A law was also passed creating a bipartisan board, known as the State Capitol Commission Board, to be appointed by the Commissioners

of the Permanent Seat of Government, and charged with the responsibility of constructing a State capitol. Under this law E. W. Stephens, Theo. Lacaff, A. A. Speer and J. C. A. Hiller were appointed. The resolution authorizing the bond issue received the approval of the necessary majority of the people, and, pursuant to the provisions of the act of the last Legislature, the State Fund Commissioners have endeavored to dispose of the three and one-half million dollars of bonds thus authorized. Up to the present time only $285,000.00 of these bonds have been sold at par. While the Supreme Court decided in a test case that the State Fund Commissioners had the right to pay a commission for the sale of these bonds, no contract satisfactory to the Commission has been made. The Commission purchased a block and a half of land, in addition to the present capitol grounds, at a price entirely reasonable and fair, and the Commission has, with great care and ability carried on the necessary preliminary work for the selection of the plan for a new capitol. Two juries of eminent architects assisted the Commission in this work, resulting finally in the selection of the plans drawn by Tracy and Swartwout, architects of National reputation. It is the judgment of some of the leading architects of the country that the plans for the new capitol, if carried out, will give to the people of this State a capitol building surpassed by that of no state in the Union. This fact, together with the further fact that the work of this Commission has been conducted not only with good ability but with an absolute freedom from the suggestion of criticism, in so far as the fairness, honesty and disinterestedness of their work is concerned, gives to the people of the State justification for the belief that we will secure a State capitol honestly and economically constructed which will be fully commensurate with the wealth and the size and the importance of this great commonwealth.

The further prosecution of the work will be interfered with unless the bonds can be sold, and as they cannot at the interest rate of three and one-half per cent at par it will be necessary for the Legislature to make an appropriation as a

Commission for the sale of the bonds which will make ther salable. Or what, in my opinion, is more advisable woul be to make these bonds exempt from taxation. There is serious question whether this could be accomplished with out an amendment to the Constitution. But I believe tha it is entirely constitutional for the Legislature to provid a very low rate of taxation for State bonds in the form c recording fee to be paid by each purchaser. All that th Constitution requires is that taxation shall be uniform upo the same class of property. If such a law was enacted believe that all of these bonds could be sold to citizens o Missouri at par. And it would be advisable, from a busines standpoint, as well as a source of State pride, to have th money necessary for the construction of the State capitc come from the citizens of this State.

INITIATIVE AND REFERENDUM

An amendment to the Constitution providing for th initiative and referendum has now been a part of our organi law for four years. In the elections of 1910 and 1912 amend ments to the Constitution submitted by initiative petition were voted upon. While neither was adopted, and while n occasion has arisen to use the referendum, I believe that, o the whole, the effect of this amendment to our Constitutio has been beneficial. Some have urged that the requirement for initiating laws or amendments to the Constitution shoul be made more difficult. I do not agree with this suggestion and I recommend that the law stand unchanged.

REDISTRICTING MEASURE

One of the most important matters, from a publi standpoint, that will come before this General Assembly will be the division of the State into senatorial and con gressional districts. This question is not only of political but of public importance. While I realize that nothin I may say upon the subject will probably influence th

action of the members of this General Assembly, I want to make a matter of public record some facts with reference thereto which the members of this General Assembly cannot and ought not to disregard. Following the last decennial census, it was the duty of the last General Assembly to divide the State into senatorial districts. This was not done. It thereupon became, under the Constitution, the duty of the Governor, the Attorney-General and the Secretary of State to prepare a statement dividing the State into senatorial districts. The Attorney-General and Secretary of State prepared a statement, which I refused to sign, for the reason that it did not, in my opinion, comply with the provisions of the Constitution which require that the State shall be divided into senatorial districts "contiguous and compact," as nearly equal in population as may be, and that this work shall not be done in such a way as to demonstrate that it was for the accomplishment of political results. I was sustained in my action by the decision of the Supreme Court, and this question now comes again before the members of this General Assembly. For years the State has been divided into senatorial districts in such a way as to result in the practical disfranchisement of one-half of the voters in this State who did not vote the Democratic ticket. The state, prior to the last election, has been very equally divided for a number of years between the Republican and Democratic party, and yet the Democratic party has had twenty-two to twenty-four members of the State Senate and the Republicans from ten to twelve. It took 16,000 Democratic votes to elect a State Senator and 30,000 Republican votes to accomplish the same result. Greater disparity of representation exists with reference to members of Congress. Three hundred and fifty thousand Republicans of the State were represented in the National Congress by two Congressmen and 350,000 Democrats by fourteen. If an act was passed by this Legislature depriving one-half of those citizens who do not vote the Democratic ticket of the right to vote for Congressmen and State Senators, it would

accomplish no more of injustice than does the present unfair division of this State into senatorial and congressional districts.

No policy can be more reprehensible or injurious to the public affairs of a state than the use of official power for the accomplishment of political results. It not only creates bitterness and prejudice, which prevent a fair consideration of public questions generally, but leads to a policy of retaliation and revenge when the power shall have passed, as in time it will pass, from the hands of the party that abuses it into the hands of the party that was made the victim of such a policy of discrimination.

Missouri has made an enviable record in dealing with certain political questions in recent years. The Forty-fifth General Assembly, in a closely contested election of the Lieutenant-Governor, decided, after a careful investigation, that the present Lieutenant-Governor, Jacob F. Gmelich, was elected, although his plurality was less than 100. Again, the Forty-sixth General Assembly refused, notwithstanding advice and insistence from influential political sources to the contrary, to pass upon the contest over the office of Railroad and Warehouse Commissioner, when it had no legal authority to do so. If the same spirit of fairness should direct the actions of this General Assembly, there would be a division of this State into senatorial and congressional districts which would be both an inspiration and an example to the entire country.

POLICY TO BE PURSUED TOWARD CORPORATE INTERESTS

There is one recommendation of a general nature which I wish, in closing, to submit for your consideration. Formerly one of the most important features of a session of a State Legislature was the number of bills directed against large business enterprises and particular railroad interests. To combat legislation of this character, the railroads and other public service corporations maintained a large number

of lobbyists at Jefferson City with a result that was not only injurious to the interests of the State, but in the end resulted in much of unfairness and corruption upon both sides.

During Governor Folk's administration an effort was made to remedy this condition by the enactment of a law requiring all representatives of corporations who attended the session of the Legislature to register in a book provided for that purpose. The principal change that this brought about was that the names of the lobbyists who had been generally well known became a matter of public record. Prior to the session of the last Legislature, I took up with Mr. Carl R. Gray, who was then the manging officer of the Frisco Railroad in this State, now president of the Northern Pacific Railroad, the question of a change in the policy of the railroads in opposing legislation considered by them antagonistic and unfair. I suggested to him that if the railroads would discontinue the policy of having lobbyists at Jefferson City, and should only come here when there were bills to be considered by a committee, and then have that representative of the railroads come who had special knowledge of the matter affected by the bill, that they would, in my opinion, be treated with more fairness and consideration by the General Assembly. Through the efforts of Mr. Gray, this policy was adopted by the railroad companies, and during the last session of the Legislature we enjoyed the unusual experience of having no railroad lobbyists in Jefferson City. The result was that of the seventeen bills affecting railroad interests enacted by the Legislature only three were objected to as unfair. Two of these I vetoed and one received my approval. I trust the policy pursued during the last session of the Legislature will be followed during this session of the Legislature, and I recommend to the members of the General Assembly that they examine carefully and deal discriminately with all measures proposed for regulating the services or the charges of businesses affected with a public use.

If the promises in the various political platforms for a Public Service Corporation Commission is recognized and such a commission established, there will be much less necessity for laws of this character than heretofore. We should also remember that Missouri is still one of the most undeveloped states in the Mississippi Valley, and we should pursue a policy that will encourage business interests to come here and aid in the work of developing the undeveloped resources of the State, instead of pursuing a policy of antagonism which will tend to prevent them from doing so.

CONCLUSION

There is important work for you to do, and a big opportunity for you to serve the people of Missouri. You cannot, by laws you enact, create wealth; you cannot equalize wealth, or bring about an absolute equality of opportunity or achievement. You can, however, do much to aid the people of the State in the development and successful conduct of their agricultural and industrial affairs. You can do much towards preventing discrmination, overthrowing privilege, correcting injustice and creating conditions which will tend to produce an equality of opportunity and achievement. What you can do you should do to bring about a larger measure of social and industrial justice, and a physical well-being and prosperity which must be the basis of substantial progress towards a better condition of life, higher ideals, and a higher standard of citizenship. I hope you will realize your responsibilities and respond to them in the spirit of the motto of the State, which declares that the welfare of the people should be the supreme law.

In conclusion, I wish to express to the people of Missouri, through you as their chosen representatives, my sincere appreciation of the honor and distinction I have enjoyed in the opportunity for public service that they have conferred upon me, and for the loyal support I have received from the people of the State in every good work I have tried to accomplish. I wish for this General Assembly an agree-

able and useful session, and for the newly elected State officials an administration which will contribute to the success of every undertaking that will make for the happiness, the prosperity and the welfare of the people of Missouri.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

VETO MESSAGES

TO THE SENATE

APRIL 30, 1909

From the Journal of the Senate, p. 1336

April 30, 1909.

To the Senate:

I have the honor to return herewith, without my approval, the following bill:

Senate bill No. 32, entitled "An Act to repeal sections 6761 and 6762 Revised Statutes of Missouri of 1899, and to enact new sections in lieu thereof."

This bill is vetoed at the request of its author, Senator F. M. McDavid, for the reason that in the engrossed bill there is omitted a very essential provision which is found in the bill as originally introduced, in the bill as printed and in the bill as enrolled. That omission consists of the words "and for all labor performed in such work." As this omission raises a serious question as to the constitutionality of the act, and as the same subject is now embraced in the revised bill which can be enacted before the close of the session, I deem it advisable, under the circumstances, that this bill should not become a law.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MAY 11, 1909

From the Journal of the House of Representatives, p. 1865

May 11, 1909.

To the House of Representatives:

I have the honor to return herewith, without my approval, the following bill:

House bill No. 3, entitled, "An act to amend section 9740 of chapter 154, of the Revised Statutes of the State of Missouri, 1899, entitled 'Schools'."

This action is taken with the consent of the author of the bill, for the reason that the provisions of this bill are covered by a revision bill which has been drawn by the Revision Commission. As it is important that there should be no duplication in order to accomplish a satisfactory revision of the Statutes, this bill is therefore returned without my approval;

Also, I have the honor to return herewith, with my approval endorsed thereon, the following bills:

Committee Substitute for House Bill No. 10, entitled

An act to repeal section 1736, article 3 of chapter 14 of the Revised Statutes of Missouri of 1899, as amended by the session acts of 1905 at page 124, and to enact a new section in lieu thereof to be known as section 1736.

Committee Substitute for House bill No. 131, entitled

An act to repeal article 4 of chapter 161, Revised Statutes of Missouri, 1899, entitled "Bakeries," and to enact a new article in lieu thereof, relating to prescribing the hours of labor and sanitary conditions to be observed in bakeries and confectionery establishments, and to provide penalties for the violation thereof.

House bill No. 179, entitled

An act to remove the charge of desertion from the record of William Estes, late private in Company C, Seventh Regiment, enrolled Missouri Militia.

House bill No. 557, entitled

An act to amend section 9 of an act entitled "An act to create the office of license collector, provide for the election of license collector, regulate his salary and the salaries and compensation of deputy license collectors, clerks and employes in said office and define the duties thereof in cities now having or which hereafter may have three hundred thousand inhabitants or more, and to provide for the payment of the salaries and expenses of said office of license collector," approved March 26, 1901.

House bill No. 687, entitled

An act to appropriate money for the payment of interest on the certificates of indebtedness issued and held in trust for the state school and seminary funds during the years 1909 and 1910, with an emergency clause.

House bill No. 690, entitled

An act to amend an act entitled "An act to regulate the practice of medicine, surgery and midwifery, and to prohibit treating the sick and afflicted without a license, and to provide penalties for the violation thereof," as found in session acts of 1901, at page 207, and approved March 12, 1901.

House bill No. 890, entitled

An act to appropriate money for the cost of assessing and collecting the revenue for the years 1909 and 1910, including the contingent expenses of the State Board of Equalization, with an emergency clause.

Respectfully,

HERBERT S. HADLEY,

Governor.

TO THE SENATE

MAY 15, 1909

From the Journal of the Senate, pp. 1902-1904

CITY OF JEFFERSON, May 15, 1909.

To the Senate:

I have the honor to return herewith, without my approval, the following bill:

Senate bill No. 236, entitled: "An act to amend article 7 of chapter 119 of the Revised Statutes of Missouri, 1899, by adding a new section thereto relating to indemnity contracts; and to be known as section 8041a."

If the effect of the veto of this bill would be to prevent persons, firms and corporations doing business in this State from entering into agreements to indemnify each other from loss or damage by fire or casualty, I would sign it. But as no such effect will result from its disapproval, I feel that it is both unnecessary and inadvisable that it should be permitted to become a law. For over fifteen years the people of this State have engaged in various forms of inter-insurance, not only in mutual companies, but also under contracts with each other, and they have suffered no inconvenience and been prevented in no way in adopting such methods for protection by reason of any provisions or inadequacies in the laws of this State as they now stand. There has been a persistent effort made by the promotors of inter-insurance associations to make it appear that unless this bill is passed all forms of mutual insurance and all contracts and agreements between persons, firms or corporations for mutual indemnification would be absolutely prohibited. These representations are entirely unwarranted.

I wish, therefore, to make it entirely clear that my disapproval of this bill is not in any way due to the fact that I do not believe in the advisability of persons providing for their mutual protection either under the provisions of our mutual insurance laws or by the terms of private contracts. Such methods of insuring property or lives, if honestly and fairly conducted, provide insurance for those participating therein at a low cost, and free from many of the burdens incident to insurance in stock companies. But experience has demonstrated that such forms and methods of insurance can be taken advantage of by those in charge thereof to establish practices not beneficial to those participating therein.

If the only objection to this bill, however, was that it was unnecessary, I would, on account of the apparent

general demand for its passage, give to it my approval. But in view of the fact that it emphatically prohibits the executive officers of the State from instituting proceedings for the correction of evils and abuses in this class and form of insurance, it is, in my opinion, inadvisable that it should become a law. This bill would also announce as the settled policy of the State its intention to permit these forms of insurance to be practiced without let or hindrance, free from any supervision, restriction or control. If such a policy was adopted, I am satisfied that many of those who are now asking that this bill be permitted to become a law would be loud in their insistence that the Legislature pass a law subjecting such methods of insurance to the supervision and examination of the State.

The fact that inter-insurance associations as they exist today have been generally fairly and honestly conducted, is no argument as to why the State should tie its hands and announce its intention to adopt for the future a policy of permitting such methods of insurance to be conducted without the restrictions and safeguards incident to State supervision and without the power to correct evils or abuses that may arise therein. Laws preventing fraud, evil practices and invasions of the rights of others are not made necessary by those men who are honest and fair in their dealings with others. Laws are made to apply to the worst conditions that may arise, and not to the best. If all men were honest, there would be no necessity for the law against larceny. If all men were fair, there would be no necessity for laws against fraud. If those who, by reason of the business in which they are engaged, having it in their power to impose upon the rights of others never take advantage of their positions to violate a trust, there would be no occasion or justification for the State to supervise or regulate the affairs of any business which was impressed with a public use. But experience has demonstrated that such necessity does exist. Experience, particularly in the last few years has abundantly demonstrated that insurance is a business that it is necessary for the State to supervise, inspect and

regulate in order to protect the people against wrong, oppression and injustice. If this bill should become a law, the promoter of an inter-insurance association could carry on a business substantially the same as that conducted by an insurance corporation, have under his charge large amounts of money, have in his care the protection of the rights and the property of many people, and still be entirely exempt from any of the restrictions or regulations to which ordinary insurance companies are subjected. For this bill confers upon the organizers of such associations the right to secure contracts of insurance "on such terms, in such manner, in such proportion and amounts and during such time as may be agreed upon," and prohibits the State from subjecting such forms of insurance to any supervision, regulation or control. Thus, it is apparent that the promoter of such associates composed of persons in different lines of business scattered throughout the length and breadth of the land, could carry on what would in fact amount to a regular old line insurance business, free from those safeguards of supervision and inspection by the representatives of the public which the people have for forty years thought necessary in the insurance business. Such a condition does not appeal to me as either fair or advisable. If it is necessary and advisable that any form of the insurance business should be subject to State supervision and control, in order to furnish safeguards for the protection of the people, it is certainly inadvisable that the State should preclude itself for the present and announce its intention so to do in the future in so far as those forms of insurance are concerned which exist through contracts and agreements promoted and secured by interested parties with persons widely scattered and engaged in different business pursuits.

An effort has been made to create the impression that unless this bill becomes a law, an injustice will be done to the poor man and the ordinary citizen, in that he will be prevented from availing himself of this form of insurance. This assertion is not true. There is not a home in Missouri that is protected by a contract of insurance in an inter-

insurance association. Whether this bill does or does not become a law affects in no way the farmers' mutuals, the town mutuals and other mutual fire or life insurance companies which are or which may hereafter be organized under the laws of this State. Farmers' mutuals exist in eighty-one counties of the State, and their business has been satisfactorily conducted in a way that furnished insurance at reasonable rates to those participating therein. But such associations are limited to one county; the law requires their charters to be filed with the officers of the State; their officers serve without salary, and if the business is conducted in violation of the laws of the State or in disregard of the rights and interests of those participating therein, the State can forfeit the charters of such companies. Inter-insurance associations are subjected to none of these requirements or restrictions. The participants therein are not acquainted with each other; they live in many different states and countries; the business that each has with the other is transacted by one man, an attorney in fact. And under the terms of this bill the promoters of such associations could conduct the business "on such terms, in such manner, in such proportion and amounts and during such times" as he might induce the participants therein to agree upon, and the State would have no right to interfere to protect the interested parties. This would, in my opinion, be a discrimination in favor of such associations and against the farmers' mutuals and against those participating in other mutual insurance companies authorized by the laws of the State.

I am strengthened in my convictions upon this question by the opinion of the last Superintendent of Insurance and the present Superintendent of Insurance, Hon. John Kennish, who has given this question a careful study and investigation. And I am reliably informed that those who have been clothed with the responsibility of similar positions in other states and charged with the duty of seeing that the business of insurance is conducted in such a way as not to impose upon the rights of the public, are with practical unanimity agreed upon this proposition.

For these and other reasons which might be offered with perhaps equal force against this measure, I return the same to you without my approval, and in doing so I beg to advise you, and also the business interests of the State, that during the next four years, at least, no effort will be made by the Insurance Department to prevent or interfere with any forms or methods of mutual or inter-insurance so long as such business is honestly and fairly conducted and under proper safeguards for the protection of those participating therein. If, however, any persons promoting and managing such associations or organizations for the purpose of engaging in inter or mutual insurance should adopt methods or practices which are not for the benefit of the participants and which are likely to result in injustice, proper efforts will be made to prevent and enforce the discontinuance of such enterprises.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MAY 15, 1909

From the Journal of the Senate, p. 1904

May 15, 1909.

To the Senate:

I have the honor to return herewith, without my approval, the following bill:

Senate bill No. 692, entitled: "An act to repeal an act entitled, 'An act to repeal article 2 of chapter 121 of the Revised Statutes of Missouri of 1899, and to create a State Board of Mediation and Arbitration for the settlement of differences between employers and employes, and to define the duties and powers of said Board."

I take this action at the suggestion of the Revision Commission for the reason that the subject embraced herein is covered by another bill.

Respectfully,

HERBERT S. HADLEY,

Governor.

TO THE SENATE

MAY 15, 1909

From the Journal of the Senate, p. 1905

May 15, 1909.

To the Senate:

I have the honor to return herewith, without my approval, the following bill:

Senate bill No. 125, entitled "An act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems, and providing penalties for the violation thereof."

This bill is designed for the purpose of preventing benevolent, humane, fraternal or charitable organizations from assuming the names or wearing emblems "in colorable imitation" of those of similar organizations which have previously adopted the same. I do not believe that this is a necessary or useful law. I am not aware of the existence of any abuses which it would correct. Under the laws as they now stand, it would be the duty of the Secretary of State or of a judge of circuit court to refuse to one corporation the right to use a name in "colorable imitation" of one already adopted. And it would be within the jurisdiction of a court of equity to restrain a benevolent, humane, fraternal or charitable corporation from adopting a name or emblem in such "colorable imitation" of other names or emblems as would be calculated to mislead or deceive the public.

In view of the existence of this right of procedure, I fear that a law prescribing such stringent regulations as

this one does would do more of harm than it would of good. There have existed for a number of years fraternal organizations among the negro race of the same names as some of the leading fraternal and benevolent orders among the white race. These organizations upon the part of the negroes are not objected to, but, in fact, are encouraged, and should be encouraged, as they often times accomplish a useful purpose in impressing upon their members higher standards of moral conduct and good citizenship.

As this law might be taken advantage of by meddlesome or designing men to create vexations and unnecessary controversies, I feel that it should be returned to you, for the reasons herein stated, without my approval.

Respectfully,

HERBERT S. HADLEY,

Governor.

TO THE SENATE

MAY 17, 1909

From the Journal of the Senate, p. 1954

May 17, 1909.

To the Senate:

I have the honor to return herewith, without my approval, the following bill:

Senate bill No. 179, entitled: "An act to amend chapter 18 of the Revised Statutes of 1899 of this State, relating to depositions by adding a new section thereto to be designated as section 2907a."

The ability and experience of the author of this bill, both as a legislator and a lawyer, would dispose me to give to it my approval were it not for the fact that my own experience, as well as the experience of other lawyers with whom I have had an opportunity to advise, convince me that the passage of this law is neither necessary nor advisable.

Under the laws of the State as they now are, I do not believe that there has been any marked or general abuse in the taking of depositions of the adverse parties in civil suits. In cities of 50,000 inhabitants it is the right of each party, upon the serving of a notice to take depositions, to secure from the circuit court an order appointing a commissioner to take the depositions. This furnishes an adequate prevention against any abuse of the right to take depositions of an adverse party before a notary public in the large cities, and in the country districts, I am satisfied that the instances in which any effort might be made to abuse the provisions of the present law would be so few as to make the enactment into law of this bill unnecessary.

For these reasons I, therefore, return the same to you without my approval.

Respectfully,
HERBERT S. HADLEY,
Governor.

TO THE SENATE

MAY 17, 1909

From the Journal of the Senate, pp. 1954-1955

May 17, 1909.

To the Senate:

I have the honor to return to you herewith, without my approval, the following bill:

Senate bill No. 222, entitled: "An act authorizing surrender, re-issue and transfer of dramshop licenses in cities of three hundred and fifty thousand inhabitants or over."

This bill makes it mandatory upon the excise commissioner of St. Louis to approve of a transfer of a dramshop license upon the request of the holder thereof, upon the condition that the transferee is "a fit, competent and legally qualified person to have a dramshop license." It also permits the holder of a dramshop license to have the same re-issued to him for a different location upon a compliance with the same conditions under which he secured his license

in the first instance. Under the provisions of this law, it would, in my opinion, be practically impossible for the excise commissioner to revoke a dramshop license for any cause. Upon a citation to show cause as to why a dramshop license should not be revoked, it would be in the power of the owner to transfer the same to some person "fit, competent and legally qualified to have a dramshop license," and there would be no discretion upon the part of the excise commissioner to refuse to approve of the transfer.

I am advised by Mr. Henry S. Caulfield, the excise commissioner of the City of St. Louis, that the passage of this law would have the practical effect of making inoperative the power of revocation now conferred upon him by the statutes, and, therefore, in effect, destroy the supervision and regulation of dramshops in the City of St. Louis which he now exercises.

This bill further seeks to constitute a license to conduct a dramshop business a property right instead of what it now is in fact under our law, a mere privilege. I think that it is important that this distinction should be carefully preserved. To conduct a dramshop is not a natural right that the individual enjoys, but a privilege that the law confers. And this privilege should at all times be kept subject to the power of regulation and supervision by the State.

I, therefore, consider this bill an inadvisable piece of legislation, and return the same to you without my approval.

Respectfully,

HERBERT S. HADLEY,

Governor.

TO THE SENATE

MARCH 10, 1911

From the Journal of the Senate, pp. 666-670

March 10, 1911.

To the Senate:

I have the honor to return herewith, without my approval, the following bill:

Senate bill No. 288, entitled

"An act to provide for the election of a non-partisan board of police commissioners in all cities in the state which now have, or may hereafter have, seventy-five thousand inhabitants or more, prescribing the manner of filling vacancies, powers and duties of said board, and the qualifications and salaries of its members."

It is somewhat difficult to state within the proper limits of a message of this character the many valid and sufficient reasons why this bill should not become a law.

The purpose apparently sought to be accomplished by this bill is to confer upon the people of all cities in the State which now have, or which may hereafter have, a population of 75,000, the selection of a board of police commissioners by a method of election which, so far as I know is without precedent, and I am confident, is without reason or argument to justify its adoption. It provides that in each of such cities there shall be a board of police commissioners consisting of four members who shall have charge of the management of the police departments. This board, beginning upon the first of November, 1911, shall be chosen by the "several political parties in any city to which this act applies" nominating two candidates as members of this board, and each voter shall vote for only two members of such board. In this way no voter would have the right to vote or to take part in the election of more than two members of the board, and no political party, other than the Republican and Democratic party, would be able to nominate and elect a member of this board. The bill provides that, after the first election, at each biennial election two members shall be nominated and elected in the same manner. The necessary effect of such a law would be to put every policeman in the three large cities of the State actively in politics. And as the police department is the department of government through which the laws of the State, and particularly the laws regulating dramshops in the large cities are enforced, this law would also of necessity put every dramshopkeeper in politics. The policemen would naturally vote to secure the

election of police commissioners who would be favorable to their retention or advancement, and the saloon and liquor interests would naturally favor the election of police commissioners who would not be too strict in the enforcement of the laws regulating dramshops. And not only would this law place these political elements of our large cities actively in politics, but the evil results of this condition would be increased by the fact that under this law the independent voter would become a negligible factor. For if either party should nominate unfit men for police commissioners, there would be no opportunity for the people to defeat them. And the nomination of unfit candidates by either the Republican or the Democratic party would practically destroy the efficiency of the board, as the other two members would be incapable of taking any decisive action, because they would not constitute a majority of the board. If the practical politicians, the saloons and the policemen could not control the nominations for police commissioners by both parties, which they probably could do, they could, in a large majority of the elections, control the nominations of one party or the other, and in its practical result this would impair the efficiency of the board for the proper conduct of police affairs and the proper enforcement of the law.

This measure is also completely opposed to the judgment of the most experienced students of public affairs and to the lessons taught by the experience in municipal government of the last half century. It increases the number of elective offices and prevents the fixing of responsibility for the conduct of public affairs. Experience has demonstrated the injurious results of these conditions, and this law, instead of being a proper and a progressive movement toward good government, is a step in the wrong direction, and would unquestionably be injurious in actual practice.

While it is my judgment that there should be a change in the present method of selecting police commissioners for the large cities of the state, I feel confident that the method provided for by this bill is manifestly wrong, and that the

effect of its passage would be injurious to public morals and decency, and to the best interests of the people of the three large cities, as well as to the people of the entire State.

I feel that the criticism made by Governor Folk against the so-called home rule bill which he vetoed in 1905, when he said that that measure "would give anarchy to St. Louis in the sheep's clothing of home rule," applies most appropriately to this measure.

An additional reason why this bill should not become a law is that a proper measure providing for home rule for the people of the large cities of the State in police affairs is now pending before this General Assembly, which can be enacted into law, in case there is a real and an honest desire upon the part of a majority of the members of this General Assembly to enact such a measure.

Following the failure of the 45th General Assembly to agree upon home rule legislation, I called the attention of the leading civic organizations of Kansas City, St. Louis and St. Joseph to the importance of this question, and asked that a committee be appointed to consider the advisability of submitting, by initiative petitions, bills giving to the people of the three large cities of the State a larger measure of control in their police and excise affairs. Such a committee was selected, but it was decided that on account of the complications arising from the large number of measures to be submitted to the vote of the people at the last election, it would be inadvisable to submit such measures at that time. This committee decided, however, to prepare bills for the accomplishment of this desired result and to recommend the same to this General Assembly. The report of this committee, submitted through its chairman, Mr. Louis A. Laughlin, of Kansas City, is as follows:

"St. Louis, Mo., December 27, 1910.

Mr. L. A. Laughlin, Chairman Home Rule Conference, Kansas City, Missouri:

Dear Sir—Your committee, appointed at a conference held last May in St. Louis to formulate Home Rule legisla-

tion for the large cities of the State, begs leave to report that it has discharged the duty imposed on it and transmits to you herewith drafts of a police and excise bill.

These bills are in the nature of enabling acts empowering the cities they affect to secure home rule in these matters if their inhabitants so desire. The proposed acts, while giving the cities home rule in all essential particulars, leave a residuum of control in the State. We believe that public sentiment in the large cities is not in favor of unrestricted home rule in police and excise matters, and it is obvious that the people of the State at large have some interest in them.

Respectfully submitted,

EDWARD C. ELIOT,
JESSE MCDONALD,
F. F. ROZZELLE,
R. B. MIDDLEBROOK,
W. K. JAMES,
HUGH C. SMITH,
Committee."

The measures which this committee prepared, and which are now pending in both the Senate and the House of this General Assembly, are in the nature of enabling acts which give to the people of the large cities the right to provide in their charter and ordinances for the selection of a police commissioner by the mayor, who would be charged with the responsibility of directing the conduct of police affairs in such city. This official would be subject to removal by the mayor or by the Governor, without trial, for failure to perform the duties imposed upon him by law. This enabling act further provides that a feature of the provisions of the city charter and ordinances relating to police affairs must be that the tenure of office of the members of the police department shall be protected by proper civil service regulations.

This measure presents a clear and satisfactory proposition for home rule for the people of the three large cities.

It gives to them, in the first instance, the right to say whether they shall continue the present system or shall adopt the system outlined in this enabling act. And if the people of the cities desire a change in the present system, they are left free to provide for the conduct of their police departments and police affairs, subject only to the restriction that the police commissioner must see to it that the laws of the State are properly enforced, and that proper provision must be made for protecting by civil service regulations the tenure of office of the members of the police departments. If, under the provisions of this law, the people of our large cities should decide to take over the control of their own police and excise affairs, they would do so under such proper safeguards as would give to the people of the entire State the assurance that appointments and promotions in the police department would be made upon the basis of merit, and that local influences would not combine to defeat the proper enforcement of State laws.

The merit of this plan is in itself an indication of the ability and disinterestedness with which this question has been dealt with by the committee representing the civic organizations of Kansas City, St. Louis and St. Joseph. These men owe their selection to public organizations which have no other interest in this question than the best interests of their respective communities and the proper enforcement of the laws of the State. The members of the committee are equally divided in politics, and are all lawyers of unquestioned ability and citizens of high standing in their respective communities. They have engaged in the work of preparing these bills as a matter of public duty, with no hope of reward or compensation except the best interests of their cities and the State. In order that it might not be contended that while the measure they have prepared might be acceptable, that the one embodied in this bill would be preferable, I asked the members of this committee to give me an expression of their opinion as to the advisability of this so-called scheme of home rule pro-

vided for by Senate bill No. 288. I communicate to you herewith some extracts from their comments thereon:

Judge W. K. James of St. Joseph, who speaks from the standpoint of actual experience as a member of the Board of Police Commissioners of that city, said with reference to this measure:

"I am convinced that the policy embodied in the absolute home rule measures for these cities as lately proposed in the Legislature is very unwise, and will prove vicious if enacted into law and administered in these respective cities, and I think the advance for better municipal government, especially in police matters, for the last several years in Missouri ought not to be sacrificed now by retrogressive legislation or administration, and if my opinion could in any way affect you as to the so-called home rule measures so proposed and pending in the Legislature, it would be that you should veto these measures if they, in fact, pass both branches of the Legislature."

Mr. F. F. Rozzelle of Kansas City, who, in addition to his experience as a member of the Board of Police Commissioners of Kansas City under two governors, has had an extensive experience in municipal affairs as city counsellor, and is an active student of municipal problems, writes:

"I am confident that this bill would not be an improvement upon existing laws relating to the police or governing elections in these cities.

"It is a serious question whether certain provisions in this bill are in violation of the State Constitution, but aside from questions of this kind, I believe the voters of Kansas City and St. Louis should be permitted to determine whether or not they will have 'home rule,' and, with proper provisions safeguarding the rights of the whole State, these cities should by their charters provide for the appointment of the commissioners who are to have charge of the police in such cities.

"The whole State is vitally interested in having a proper and efficient police force and the conducting of fair and honest elections in these cities, and for that reason the

governor should have the power of removal in the event the commissioners appointed should fail to faithfully discharge their duties. As said by the Supreme Court in the early case of State ex rel. vs. St. Louis County Court, 34 Mo. 546, 571, and approved in all later cases on the same subject: 'The police commissioners are an agency of the State government, and are required to perform within a specified locality some of the most important duties of the government'."

Judge Robert B. Middlebrook, the other member of this committee from Kansas City, who has also served as city counselor and member of the Board of Police Commissioners of that city, says:

"With reference to proposed home rule legislation for the large cities, although several decades have elapsed since the present system of State control was inaugurated, yet the evils which it was designed to remedy must still be reckoned with, and in order that these evils might not again assert themselves to the detriment of the public service, two safeguards were suggested in the bill recommended to you: 1st, civil service—the merit system; 2nd, power of removal in the governor, in order that sinister local influences might not emasculate this law. My experience as police commissioner convinces me that petty local wire pulling can only be prevented by genuine civil service, and that genuine civil service would be far more likely to be enforced with power of removal in the governor. It follows that home rule bills not containing the two essentials herein noted would fail to prevent the recurrence of those evils which the present State law was designed to suppress."

Mr. E. C. Eliot, one of the leading lawyers of St. Louis, representing the civic organizations of that city as a member of this committee, writes with reference to this bill:

"This bill seems to me objectionable as a measure for police regulation, both in respect of policy and constitutionality.

"In my judgment, the police in large cities can best be handled by a single commissioner, rather than by a board. In this respect a police department bears a close analogy to a military system.

"The proposed increase in the number of elective officials is a movement in the wrong direction. The hope of the future lies in the 'short ballot' and fewer elections.

"The absence of any residuum of State control ought to be fatal to the proposed legislation.

"The bill is open to serious question under article VIII, section 2 of the State Constitution. Four officers are to be elected, but the elector is privileged to vote for but two persons. The Constitution provides that he shall be entitled to vote at all elections by the people. This, in my judgment, means that at elections by the people he shall have the right to cast a vote for each office to be filled."

Mr. L. A. Laughlin, who, as representative of the City Club of Kansas City, served as chairman of this committee, writes:

"I am clearly of the opinion that this act is unconstitutional and void. Section 3 of the act provides that 'the several political parties in any city to which this act applies shall proceed to nominate by delegate convention,' etc. Later on, in the same section, it is provided that 'the name of the nominees so nominated * * * shall be printed on the ticket of the party nominating such person, and on no other ticket.' It will be seen that no provision is made for nominating independent candidates who do not belong to any political party. Thus membership in some political party is made a qualification to hold office. This makes the act unconstitutional and void.

State ex rel. vs. Denny, 118 Ind. 449.

Rathbone vs. Wirth, 150 N. Y. 492.

Bowden vs. Bedell, 68 N. J. L. 453.

"The police bill is especially vicious. It turns over the police force to the bosses of the political parties who would divide the spoil between them, and would be fatal to the

discipline of the force and wholly pernicious in its effect upon the proper control of the criminal class."

I think I can fairly say that the opinions of these men in favor of the measure that they have recommended and against this bill represent not only the best judgment, but the judgment of the majority of the people of the three large cities of the State. And if this is so, it would be a manifest injustice to impose upon the people of our three large cities a plan for the election of police commissioners and the control of police affairs which they do not want and which they believe would be injurious in actual practice.

Another reason why this bill should not become a law is that it is plainly unconstitutional. If Governor Folk was correct in the opinion that he expressed in his veto message of the so-called home rule bill passed in 1905, then this measure is also plainly unconstitutional, for it seeks to provide by State law for a system of municipal police. It was his contention, and in that conclusion the members of this committee apparently agree, that either the State must provide for the management of the police affairs of the three large cities under officials appointed by the Governor, or must permit the people of the three cities to provide by charter and ordinances for a municipal police department, subject to such restrictions and limitations as the State might impose.

The method of electing police commissioners provided for by this bill also makes it, in my opinion, unconstitutional, as well as inadvisable. It provides that each voter shall vote for only one-half of the members of the board. Thus, it deprives the citizen of the "free exercise of the right of suffrage" which is guaranteed to him by the Constitution of this State.

I will be glad to give my approval to the measures pending before this General Assembly which have the approval of the representatives of the civic organizations of St. Louis, Kansas City and St. Joseph. But I do not propose to give my approval to a measure simply because someone has called it a home rule measure. If the right

to manage their police and excise affairs is to be restored to the people of the large cities, it must be done in a manner authorized by the Constitution, and in such a way as will give the people themselves a right to decide whether the plan proposed is preferable to the one now in force. No more effective provision against home rule could be devised than that provided for in this bill. For the unsatifsactory and disastrous results which would unquestionably follow its adoption would, in my opinion, prevent for many years to come the success of efforts to give real home rule to the people of the large cities of the State.

For these reasons I return to you herewith this bill without my approval.

Respectfully submitted,
HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 10, 1911

From the Journal of the Senate, pp. 670-671

March 10, 1911.

To the Senate:

I have the honor to return herewith, without my approval, the following bill:

Senate bill No. 286, entitled "An act authorizing the State central committees of the political parties that polled the largest and next to the largest number of votes in the State at the last election for Governor, in all cities where registration is now or hereafter may be required by law, to appoint supervisors for each place of registration, revision of registration and voting precinct in such cities and authorizing them to be admitted inside the polling places and registration booths, and prescribing their rights, duties and qualifications, and what shall constitute the evidence of their appointment, and requiring them to subscribe to an oath, and making it a misdemeanor for any police officer or

any other officer or judge of election to interfere with said supervisors while in the discharge of their duties."

This bill authorizes the State central committees of the Republican and Democratic parties to appoint "supervisors" in every city of the State where registration is required by law, who shall be present at the registration of voters, the revision of the registration lists and upon election day, for the purpose of seeing that the registration, revision and election is conducted in accordance with law, and to safeguard the interests of the political party that they represent.

While I am in entire accord with the purposes apparently sought to be accomplished by this law, I am of the opinion that it is unnecessary, and that the confusion and conflict of authority which would be occasioned by the presence of these "supervisors" at the registration, revision of the registration lists and on election day would more than offset any advantage that would be gained therefrom. It is advisable, in my opinion, that all proper safeguards should be thrown around our elections so as to insure to every citizen the right to cast one ballot, and have that ballot honestly counted as cast. But, in view of the provisions of the existing election laws as to the right of the different political parties to be represented in the conduct of the registration, revision and election, I do not believe that any further safeguards are necessary or would be effective. Under the law as it now is, there are appointed in all cities of the State where registration exists by law an equal number of judges and clerks of election representing the two leading political parties. In addition to this, the governing committee of each political party in each of these cities has the right to designate a challenger to look after the interests of the party selecting him upon the day of registration, and the day of the revision of the registration lists. On election day the governing committee of each party can appoint an inside challenger and an outside challenger, and after the closing of the polls each political party is authorized to appoint two watchers or witnesses to the

count. In addition, it is made the duty of a police officer to be present at each polling place, but not within the polling place. Thus, in St. Louis, for instance, under our present election laws, there are at each polling place the following officials and representatives of the leading political parties: Two judges and one clerk representing the Democratic party, who are appointed by the Democratic member of the Board of Election Commissioners; two judges and one clerk representing the Republican party, who are appointed by the Republican members of the Board of Election Commissioners; an inside and an outside challenger, appointed by the governing committees of the Democratic and Republican parties, and after the close of the polls and the count of the ballots begun, two watchers or witnesses to the count, appointed by the governing committees of each party. In addition to these officials, there is a police officer appointed by the Board of Police Commissioners who is present at each polling place, who is specially charged with the duty of enforcing the election laws. If to these fifteen officials there were added two more officials, designated "supervisors," with the expansive authority provided for by this bill, there would, in my opinion, result more of confusion from the conflict of authority and the multiplication of officials than there would of benefit in the securing of a fair and honest conduct of elections.

The following provision of this law is also, in my opinion, a sufficient reason for its disapproval: "Any police officer or any other officer or judge of election who interferes or attempts to interfere with any supervisor while in the discharge of his duties or who attempts to prevent any supervisor from performing his duties shall, upon conviction, be adjudged guilty of a felony and punished by imprisonment in the penitentiary not exceeding five years." This provision of the law would unquestionably have the effect of intimidating the police officers, or other peace officers, and the judges of election, in case a difference of opinion should arise between those officials and the "supervisors" in the conduct of the registration, the revision or the election.

The "supervisor" might "interfere or attempt to interfere" with an election official or a police officer or a challenger in the performance of their duties and be guilty of no offense. But let any of these officials interfere with the "supervisor" and a penitentiary sentence of five years will confront him. If any police officer, or judge or clerk of election, fails to perform the duties now imposed upon him by law, his failure so to do is made a criminal offense, and he can be prosecuted and convicted therefor. No good result would, in my opinion, be secured by placing over all of these officials such a factotum or general manager of election affairs in each election precinct as is created by this law.

Another reason for the disapproval of this measure is to be found in the fact that there is now pending before this General Assembly a measure, which I am advised will probably receive its approval, creating bi-partisan election boards in the large cities of the State, the members of which will be chosen from a list of names recommended by the State central committees of the two leading political parties. If this bill should become a law, I feel satisfied that the special circumstances which have suggested the preparation and passage of this bill will be satisfactorily met. In fact, it is my understanding that this bill was suggested by the conditions existing in the last general election in St. Louis in which some difference of opinion arose between the Democratic State central committee and the city committee of the Democratic party. This condition was an unusual one, and I do not think the situation that was created by this difference of opinion was of sufficient public importance to justify the passage of this bill.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MARCH 25, 1911

From the Journal of the House of Representatives, pp. 1392-1395

CITY OF JEFFERSON, March 25, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 317, entitled

"An act to repeal section 7230 of the Revised Statutes of Missouri of 1909, and enact a new section in lieu thereof, and to further amend article II of chapter 63 of said Revised Statutes by adding thereto four new sections, to be known as sections 7230a, 7230b, 7230c and 7230d, providing for the appointment of a non-partisan board of excise commissioners in all cities in this State which now have or may hereafter have 300,000 inhabitants or more, prescribing the manner of filling vacancies, the power and duties of said board and the qualifications and salaries of its members."

This bill, which applies only to the city of St. Louis, provides for the appointment by the mayor of a board of excise commissioners composed of two members, one of whom shall be of the same politics as the mayor and the other "shall be a member of the leading political party opposed to that to which the mayor belongs, and shall be chosen from three eligible citizens named by the city committee of the said leading party politically opposed to that to which the mayor belongs."

This bill was passed as a Democratic caucus measure, and in a speech in the House one of the leading Democratic members of the Legislature charged that this bill had not been passed in good faith with the hope and belief that it would become a law, but with the idea tnat it would embarrass the Governor to veto it. Those familiar with the facts connected with the passage of this bill did not need to

have this confirming statement to satisfy them that this bill was not enacted in good faith for the purpose of giving to the people of St. Louis home rule in management of their excise affairs, but with the idea that political advantages could thereby be secured. The only embarrassments incident to the veto of this measure are in stating with in the proper limits of a message of this character the many objections that can be urged against it. The political party whose representatives were responsible for the passage of this law provided a partisan system of State boards and commissioners for the control of police and excise affairs when that party was in control of the different departments of the State government. And in the last two State campaigns no declaration was made by any candidate or representative of that party, either in public speech or in the State platforms, in favor of the principle of home rule which it is claimed this bill was intended to establish. The manifest hypocrisy of the assertion that the purpose of this measure was to give to the people of St. Louis home rule in excise affairs is, therefore, at once apparent. And the measure itself, with its unsatisfactory and unconstitutional provisions is such a measure as would be expected to emanate from those who were opposed to the principle that it was asserted the bill was intended to establish. There is no more reason why in the city of St. Louis there should be two excise commissioners, one a Republican, and one a Democrat, than there is reason why there should be two chiefs of police, one a Republican and one a Democrat. The character of this office makes it necessary that the excise commissioner should have full power to act promptly and vigorously, and that there should be a definite responsibility resting upon one person for the manner in which such duties are performed. With such a board as is created by this act, there would be a lack of responsibility, and there would also be a lack of capacity for vigorous and effective action in the performance of executive duties.

In a communication received from Judge William B. Homer, now circuit judge of the city of St. Louis, but former-

ly the excise commissioner of that city, he "calls my attention to some provisions of the bill," which, in his opinion, "render it wholly ineffective." "These," he says, "are patent from the slightest inspection. There being two excise commissioners with equal power, no license could be issued without the concurrence of both. It might be that the Republican would insist on issuing only licenses to Republicans and the Democrat only licenses to Democrats, in which case no licenses at all would be issued. Again, there would need to be a concurrence of both commissioners before any license could be revoked."

This bill, instead of eliminating politics, as it is claimed was intended, from the work of the excise commissioner, makes it inevitable that political considerations would strongly influence the manner in which such duties were performed. The necessary inability to act decisively and promptly in matters relating to the regulation of dramshops would necessarily arise from other natural differences of opinion between the two commissioners. No citizen of the city of St. Louis, no newspaper, and no organization has asked for the passage of this law. If it had not been generally known from the day it was proposed until the present time that it would not become a law, I am satisfied that the people of the city of St. Louis, the leading civic and religious organizations, the leading newspapers and the dramshopkeepers themselves would have been vigorously petitioning that the bill be vetoed.

This bill is also plainly unconstitutional under the decision of the Supreme Court in State ex rel. Hadley v. Washburn, 167 Mo. 680, in that it transfers the power of appointment intended to be lodged in the mayor to the political committee of the party to which he does not belong, in so far as one of the excise commissioners is concerned. While if the bill was otherwise commendable, this unconstitutional provision might be disregarded, yet in view of the fact that the bill is so entirely objectionable, this serves as an added reason why it should not become effective.

It is also significant as indicating the lack of good faith in its enactment that the party responsible for its passage never urged or suggested the necessity of a bi-partisan management or control of police or excise affairs until it had ceased, through the votes of the people of the State, to be able to manage them in a partisan manner and for partisan purposes. Under our system of government, we have party responsibility for the conduct of public affairs, and, as a necessary consequence of this party responsibility, there should be party rule. In order that the political party that has been entrusted with the work of government may, in fairness, answer to the people for the manner in which the duties of government are performed, the right and power to perform the duties of government should belong to the representatives of that political organization. The one exception to this general rule that is sound in theory and has been found to be fair and effective in actual experience, is in the conduct of election affairs. An election is a contest between political organizations for the support and approval of the people. The interest of the public in such a contest is that in the conduct of the registration, the election and in the counting of the votes there should be absolute fairness and impartiality. In order to secure this result, there has been established in this and in other states the policy of giving to the two leading political parties representation upon the boards charged with the conduct of elections, and dividing equally between those boards the election officials.

In the conduct of political affairs which are of public interest and concern, it is right and proper that the two political parties equally concerned should have equal authority and equal representation. But this principle, manifestly, has no application to officers whose sole duty is to enforce the laws regulating dramshops.

A further demonstration of the insincerity of those responsible for this measure is to be found in the fact that the majority party in the Legislature defeated the bill which was prepared by a committee of seven of the leading lawyers

of the State, representing the civic organizations of Kansas City, St. Louis and St. Joseph, which gave to the people of these cities the right to provide by amendments to their city charters for the appointment of an excise commissioner by the mayor under such safeguards as would secure a proper enforcement of the State laws. Such a bill would have given to the people of these cities real home rule in excise affairs in that it would have enabled them to say whether they wished to change from the present system to a system which they themselves would provide for in the organic law applicable to their own municipalities. The request for the passage of this bill and another measure of similar character relating to the conduct of police affairs in these cities, which request came from the leading civic organizations of these three cities, was the only request for home rule legislation submitted to the members of the 46th General Assembly. And notwithstanding the fact that these measures represented, presumably, not only the best opinion, but the majority opinion, upon this question of the people of the three large cities of the State, they were summarily defeated and such miserable makeshifts and subterfuges as the bill now under consideration and Senate bill No. 288, which I have already vetoed, were passed in their stead. Under these circumstances, to veto such a measure as this, and to demonstrate thereby to the people of the State the lack of regard for public interest and welfare, and the effort to secure political advantage through the discharge of public duties, on the part of those responsible for the passage of this bill, becomes not a source of embarrassment, but a source of satisfaction, in that it gives me an opportunity to perform a plain duty that I owe to the people of Missouri, and particularly to the people of St. Louis, who would be most injuriously affected by this bill becoming a law.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDER WITH THE SECRETARY OF STATE

APRIL 6, 1911

From the Journal of the House of Representatives, pp. 1412-1415

CITY OF JEFFERSON, APRIL 6, 1911.

To the Secretary of State:

Sir—I have the honor to transmit, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 890, entitled

"An act to repeal chapter 58 of the Revised Statutes of the State of Missouri for 1909, comprising sections 6738 to 6746, inclusive, said chapter entitled 'Immigration,' and to enact a new chapter in lieu thereof, to be known and designated as chapter 58 of the Revised Statutes of the State of Missouri for 1909, and relating to immigration, and making certain State officers members of and constituting a board of immigration, and defining their duties, and relating to the appointment of an immigration commissioner, and prescribing his salary and duties, and prescribing other powers and duties of said board and said commissioner, and appropriating money therefor."

This bill repeals an act passed by the 45th General Assembly establishing a State Board of Immigration, consisting of three members, appointed by the Governor, to encourage the development of the undeveloped resources of this State, by securing proper immigration and investments of capital in Missouri. This bill provides for the appointment of an Immigration Commissioner by the State Auditor, Secretary of State, Attorney-General, State Treasurer and the Governor, who are to constitute a Board of Immigration. The bill prescribes the duties of the Immigration Commissioner; provides that he shall maintain an office at the seat of government, and shall receive a salary of $2,000 a year and expenses, and in the bill itself there is a

provision undertaking to appropriate $20,000 for the payment of the salary and expenses of the commissioner and the members of the board during the next two years.

It is very evident, from a consideration of this bill, which was passed as a Democratic caucus measure, and from the statements made in the discussion of this subject by leading members of the Democratic party, that the real purpose of the enactment was to discontinue the work of immigration in this State. The fact that there is no appropriation in any of the appropriation bills for the carrying on of this work for the next two years is, in itself, a demonstration of the truth of this assertion. Two years ago the Legislature provided, in an act creating the State Board of Immigration, for an appropriation of $25,000 to carry out the purposes of the act. Through partisan opposition the insertion of this appropriation in the general appropriation bill was defeated, and, thereafter, the State Auditor, on an opinion from the Attorney-General, refused to recognize the validity of the appropriation. The business men of Kansas City, St. Joseph and Springfield, who were in favor of carrying on the work of immigration, advanced the money necessary for the carrying on of the work of this board for the last two years. And the Democratic members of the House who originated and passed this bill, defeated, by practically a party vote, the appropriation to reimburse the business men of these three cities when that question first came before the House for consideration.

Notwithstanding the fact that the objection to the appropriation of two years ago, because it was not one of the items of the appropriation bill of that session, had been frequently impressed upon the members of this Legislature, they declined to provide in the appropriation bills passed at this session for an appropriation for the support of the Immigration Board. It is very evident, therefore, that this bill was passed by the Democratic members of the General Assembly with the idea of giving to the people of the State the impression that they were in favor of con-

tinuing the work of immigration, when they were in reality opposed to such a policy.

The manifest insincerity and trickery of this action is so evident that a statement of the facts makes clear the purpose of those who passed this bill to deceive and mislead the people and also to discontinue the work of immigration in this State.

What position the two State officials who made ineffective the appropriation of two years ago might take as to the validity of this act, I am not advised. But even if they treated it as valid, the inadequacy of the amount appropriated and the provisions of the law as to its expenditure, makes it inadvisable, in my opinion, that the bill should become a law. Particularly is this true in view of the fact that the Legislature made appropriations a million dollars in excess of the probable revenues of the State for the next two years. Under this law, at least, two-thirds of the appropriation contained in the bill would go to the salary of the Immigration Commissioner and for the maintenance and equipment of his office in Jefferson City. And, in addition to this expense, the State officers, upon whom is conferred the right of appointing such Immigration Commissioner, are authorized to travel about the State at the expense of this fund "to secure information and data and do such other things as will inure to the healthful interest and development of the State." Whether or not this very general clause, giving a roving commission to the members of this board, all of whom are, or ought to be, fully occupied with the duties of their respective offices, was a part of the general political purpose which dictated the passage of this bill, it is entirely clear that it is a mistaken policy to expect to secure any useful service in the carrying on of a special work of this character from State officials who are already overburdened by the duties of their respective offices and by service upon a number of special boards, of which they are ex-officio members.

These facts are in themselves, in my opinion, conclusive evidence of the unworthy political purposes and

intention to mislead the people of the State which characterized the action of those members of the Legislature responsible for the passage of this bill. But, if such evidence was not so forcibly furnished by the act itself, the statements of leading members of the Democratic party in the discussion of this subject would establish the truth of that fact. When the question of the appropriation to promote the work of immigration was before the House, some of the leading Democratic members declared that they were opposed to spending any money for that purpose, for the reason that every dollar spent in promoting immigration in this State meant an additional Republican vote. The fact that members of the Legislature who made such expressions voted for and supported this bill shows, of course, that they were satisfied that it was not intended to promote the work of immigration.

While these objections are sufficient, in my opinion, to justify a disapproval of this measure, there are other valid objections to it. In addition to repealing the excellent immigration law which was passed by the 45th General Assembly, it undertakes to transfer from the Governor of the State to the State Auditor, Secretary of State, Attorney-General and State Treasurer the appointment of an Immigration Commissioner. The purpose of this provision is, of course, political. And in the attempted accomplishment of this political result, the members of the Legislature have been guilty of an unwarranted encroachment upon the proper powers and functions of the chief executive of the State. The four officials referred to, while a part of the executive department, are mere ministerial and administrative officers, whose duties are prescribed by law, and who are in no sense charged with the general duties and responsibilities incident to the office of the chief executive. Such efforts as this to impair the power, the dignity and the authority that belong to the office of Governor for a purpose entirely political, ought not to be permitted to be successful and thereby establish a precedent fraught with dangerous consequences for the future. And so long as I

am Governor, such efforts will not be successful if an executive veto is effective to prevent them.

If there had been aught in the conduct of the work of immigration under the law passed two years ago to justify this effort to use the laws of the State for the accomplishment of political results, this criticism against this measure might now be justified. The law passed by the 45th General Assembly provided that there should be three members of the Board of Immigration, only one of whom, the Chief Commissioner, should receive a salary, and not more than two of whom should belong to the same political party. The two men who have held the position of Chief Commissioner for the last two years, have both been members of the Democratic party, and the present Immigration Commissioner, Mr. George M. Sebree of Springfield, belongs to one of the oldest and most influential Democratic families of the State. So far as I know, no charge has been made that either of these gentlemen, or any other members of the board, has, in any way, used his office for the accomplishment of political results, and the fact that the appointments of the present members of the board were unanimously approved by the State Senate, would carry with it reasonably satisfactory proof that they have not used their offices for the accomplishment of such purposes. The fact that a bill providing for a bipartisan board, consisting of four members, which was introduced by Senator Hawkins of Springfield, was rejected, also emphasizes the political purposes sought to be accomplished by this measure.

As the Democratic members of the Legislature, who passed this bill, neglected and refused to provide in the appropriation bills for any money to carry on the work of immigration, to approve the bill would simply result in the repeal of the present law and substitute an immigration commissioner in place of the present Board of Immigration.

In view of these facts, it is better, in my opinion, to leave the work of promoting proper immigration into this State and directing movements for the development of our undeveloped resources to the business interests and to sub-

sequent Legislatures more responsive to considerations of public interest and welfare, than to permit to become a law a bill which originated in a wrong purpose and the necessary effect of which would be to hurt, rather than to help, the work of immigration. And I am glad to know that in reaching this conclusion I am in entire accord with those public-spirited citizens who have during the last two years originated and organized the movement to secure for Missouri new home-builders and new investors and have rendered such efficient and unselfish service in making this work successful. And from assurances already received, I am confident that an organization can be effected throughout this State by which this work can be satisfactorily conducted. But whether such an organization is effected or not, I propose that the work of advertising the undeveloped resources of Missouri shall continue through the various State departments for the conduct of which I am responsible. And I think it advisable that the work of immigration and development should be thus conducted, even with inadequate means, by the friends of such a movement, than that it should be conducted in a manner devised for a political purpose by those who have abundantly demonstrated that they are opposed to the work and the results which it would inevitably accomplish.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 7, 1911

From the Journal of the House of Representatives, pp. 1419-1420

CITY OF JEFFERSON, April 7, 1911.

To the Secretary of State:

Sir—I have the honor to return herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly.

Senate bill No. 245, entitled

"An act to amend section 10551, article 5, chapter 102 of the Revised Statutes of Missouri, 1909, by striking out the word 'shall,' where it occurs in the fifth line, and inserting in lieu thereof 'may,' with an emergency clause."

The only change made in the existing law by this measure is to make it optional with the county court whether there shall be a county highway engineer appointed. Under the provisions of the existing statute the people of any county in the State who do not desire to have the office of county highway engineer exist therein may, by a majority vote, make the law providing for the appointment of such an official inapplicable in such county. The county courts are also authorized to appoint the county surveyor of their respective counties to the office of county highway engineer, and as the salary, which is to be fixed by the county court, shall not exceed two thousand dollars, and may be as low as three hundred dollars per annum, I do not believe that the law, as it now exists, is in any way burdensome or oppressive on the people of this State.

The purpose of the law is to transfer from the people of the county to the judges of the county court the option as to whether the county highway engineer shall be appointed in any county in the State. The procedure by which the people may express their opinion upon this matter is adequate, in my judgment, to furnish a satisfactory expression of public opinion upon this question, and the imperative necessity of improvement in the condition of the roads of the State argues strongly in favor of the necessity of having a public official whose duty it is to do all that can be done to contribute to that end.

The importance of improving the condition of the roads of this State can hardly be overestimated. We have in this State 110,000 miles of public roads, of which only 5,000 miles have been improved by macadam, rock or gravel, while in the United States, as a whole, about eight per cent of the total mileage of public roads has been improved. The economic loss which is suffered by the people of Mis-

souri each year through failure to provide good roads reaches an amount far in excess of the amount expended by the people of this State each year for the construction and maintenance of good roads. It costs the farmer of this State twenty-five cents for every mile that he hauls a ton of freight over a poor road, while it costs less than one-third of that amount to carry a ton of freight over a good road.

The unnecessary financial burden borne by the people of this State in the increased expense occasioned by bad roads would, in the course of a few years, improve every road in the State so that it would be available for the purpose of transportation every day in the year. By reason of the expense of bad roads, there is levied upon every acre of cultivated land throughout the State an annual tax of one dollar an acre. One-half at least, of this amount could be avoided if we had good roads instead of bad ones.

In addition to the financial value of good roads, and the financial loss suffered by bad ones, there is the further advantage in the improvement of the conditions of social life to be gained by the construction of good roads. The steady drift of the people from the country to the cities cannot be changed from the cities back to the land until there is an improvement in the conditions of social life in the country. And an improvement of the conditions of social life in the country will only come from an improvement in the country roads; for the best way to bring about an improvement in the conditions of social life in the country is to make the people more accessible to one another and to those centers of social life in the country—the church and the schoolhouse. Through the improvement of the country roads, the people of the country can be brought not only closer to each other, closer to their centers of social life, but also closer to the cities and the towns, and there can thereby be effectively dispelled the lonesomeness and the isolation which have been more or less inevitable to life in the country.

In view of these facts, I feel that no law should be placed upon the statute books which would seem in any

way to be a backward step in the work of securing good roads. So long as there exists, under the law of this State, a public official in every county whose duty it is to do all he can do to contribute to good roads, more will be accomplished toward that end than would be accomplished if such an office did not exist. And if the question as to whether such an office should exist was left to the decision of three men, influenced as they might be, in many cases, through false ideas of economy, by local interests or by unintelligent prejudices, there would unquestionably be fewer county highway engineers in the State than there are under the provisions of the present statute.

For these reasons I transmit herewith this bill without my approval.

Very respectfully,
HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 7, 1911

From the Journal of the House of Representatives, p. 1421

CITY OF JEFFERSON, April 7, 1911.

To the Secretary of State:

Sir—I have the honor to return herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 289, entitled

"An act to amend section 10684 of the Revised Statutes of Missouri, 1909, relating to expenses of judges of circuit courts and criminal courts, by adding certain words thereto."

This bill is for the purpose of giving to the judges of the circuit court of Jasper county an allowance of one hundred dollars a month as a commutation of their expenses, such as the judges receive whose circuits include more than one county. As under the provisions of Senate bill No.

183, passed by the 45th General Assembly, which has received my approval, the judges of the circuit court of Jasper county will receive $4,500 a year, I do not think it either necessary or advisable that this bill should become a law. This bill would not increase the salaries of the judges of the circuit court of Jasper county, but it would result in $2,400 each year being paid to the judges of the circuit court of Jasper county from the State treasury, while otherwise the same amount would be paid them on account of their services as jury commissioner by Jasper county.

While it is true that the judges of the circuit court of Jasper county incur some additional expenses on account of their being required to hold court both in Carthage and in Joplin, this additional expense is more than taken care of by the additional compensation allowed them under the provisions of the jury commissioner law, and in view of existing conditions I feel that the burden of this extra charge, which is occasioned for the convenience of the people of Jasper county, should be borne by the county rather than by the State as a whole. For these reasons I return herewith this bill without my approval.

Very respectfully,

HERBERT S. HADLEY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 7, 1911

From the Journal of the House of Representatives, pp. 1421-1422

CITY OF JEFFERSON, April 7, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 789, entitled

"An act to amend section 3694, article 3, chapter 34 of the Revised Statutes of Missouri, 1909, entitled 'County buildings and removal of county seats,' by adding to said section certain words."

This bill changes the existing law with reference to the removal of county seats, by adding thereto the proviso: "that no place or site shall be designated which is within four miles of any county boundary line."

I understand that the real purpose of this bill was to prevent the removal of the county seat of Stone county from the present county seat to the town of Crane, which promises to become a town of some size by reason of being a division point on the railroad.

Without regard to the merits or demerits of the claims of the respective towns immediately affected by this measure, I do not deem it advisable that this arbitrary limitation should be placed upon the action of the people of a county in locating their county seat. It might well be that the place most convenient of access to the people of an entire county would be within this limit. In view of the dependence of the people upon railroads as a means of communication and travel, the location of the county seat in the geographical center of the county has ceased to be of the importance that it was formerly. Formerly, when the methods of communication were by water and wagon, the center of the county was usually found to be the most convenient place for the location of the county seat. But even this rule had its exceptions, as for instance, in Ste. Genevieve county, Ste. Genevieve, the county seat, is located upon the eastern border of the county on the Mississippi river; in Pemiscot county, Caruthersville, the county seat, is located upon the eastern border of the county on the Mississippi river, and in Gasconade county, Hermann, the county seat, is located on the northern border of the county on the Missouri river.

If the people of any county in the State, by a majority vote, decide in favor of locating the county seat within four

miles of the county limits, I do not believe that the matter is of sufficient State concern to justify the enactment of a law prohibiting them from so doing.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 10, 1911

From the Journal of the House of Representatives, pp. 1422-1424

CITY OF JEFFERSON, April 10, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 1023, entitled

"An act to establish agricultural schools, and to provide for equipment, course of study and means of support."

This bill empowers the county courts of the various counties to establish an agricultural high school in each county of the State by a tax levy when voted by the people of the county.

I am heartily in favor of the purposes apparently sought to be accomplished by this measure. I believe not only in the advisability, but in the necessity of scientific education in agriculture, and I am in favor of the passage of a law providing for the establishment of agricultural high schools in every county in the State. But, it is, in my opinion, better to wait two years for the beginning of this important work rather than to have it inaugurated in the unsatisfactory and unscientific manner provided for by this bill.

The school sought to be established by this bill is apparently a general educational institution, as well as a school of agriculture, and, yet, the control and management of the school is placed in the county court. The county courts are not chosen by the people for the purpose of managing educational institutions, and the qualifications for such a position as generally understood by the people of the various counties are not such as to indicate the advisability of placing any part of the educational department in charge of such officials. If such an institution is to be established, and be successful, it ought to be under the charge of a board that is experienced and capable of dealing with educational affairs.

The method provided by this bill for the support of these schools is also so precarious and uncertain as to make it inadvisable, in my opinion, for this plan to be adopted. The funds necessary for the establishment and support of the institution are to be provided by a tax levy voted by the people of such county on the first Tuesday in April of each year. The amount of the tax levy for the establishment and support of such school is not designated by the bill, and those counties in which the limit of taxation for county and school purposes, under the provisions of the Constitution, has already been reached would, of course, be unable to provide for the establishment and maintenance of such an institution. Further, if in any year, through the mismanagement of such institution or unsatisfactory results therefrom, the majority of the people should not vote in favor of a tax levy for the support of this particular school, it would, of necessity, have to be abandoned. The improbability of securing satisfactory results in a scientific agricultural education under the provisions of this bill is such as to make it, to my mind, inadvisable to undertake the experiment.

While the bill undertakes to provide for the conduct of these schools under the direction "of the Dean of the Agricultural College," conflicting provisions make so uncertain the authority of the Dean of the Agricultural College

in connection with such institutions that misunderstandings and conflict of authority are more likely to arise therefrom than harmonious and effective management.

I have been strongly influenced in reaching this conclusion by the recommendations of the State Superintendent of Schools and his assistants, who have called my attention to the inadequate provisions of this bill from an educational standpoint.

In view of these facts, I transmit herewith this bill without my approval.

Very respectfully,
HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 12, 1911
From the Journal of the House of Representatives, pp. 1426-1427

CITY OF JEFFERSON, April 12, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 734, entitled

"An act to amend article 14, chapter 119, Revised Statutes of the State of Missouri, 1909, entitled 'Township organization, roads, highways and bridges,' by enacting a new section, to be known as section 11764a."

This bill is identical, word for word, with section 10543, Revised Statutes of 1909, under which good work in improving the highways of the State has been done for the last four years.

The members of the Legislature may have intended to repeat this section in order to attract attention to it. But in view of the fact that I am advised by the State Highway

Engineer that every member of the county courts, the county highway engineers and overseers, so far as his knowledge goes, have known of this law since its enactment in 1907, and have generally availed themselves of its provisions, I do not know of any public necessity that would be subserved by again placing it upon the statute books.

I, therefore, transmit this bill without my approval.

Very Respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 12, 1911
From the Journal of the House of Representatives, pp. 1427-1429

CITY OF JEFFERSON, April 12, 1911.

To the Secretary of State:

Sir—I have the honor to transmit to you herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate Committee Substitute for House bill No. 776, entitled

"An act authorizing and empowering the Board of Railroad and Warehouse Commissioners to fix the manner and method and terms upon which one railroad or interurban company may cross another in any street, highway or other public place, with an emergency clause."

This bill undertakes to confer upon the Board of Railroad and Warehouse Commissioners the power to prescribe the manner in which railroad and interurban railroad companies shall "cross the tracks of another such company in or over any street, highway or public place," and this right is conferred "notwithstanding any right or franchise heretofore or hereafter granted for such crossing by any city,

town or village, whether organized under general or special law, or by any county or municipal authority whatsoever."

This bill which was passed in the closing days of the session of the Legislature, with but little, if any, discussion of its effect, and the radical changes which it would make in the laws of this State furnishes another striking example of the hasty and ill-considered action by the legislative department on measures of fundamental importance. This bill is, in my opinion, not only unconstitutional, but it is also entirely inadvisable. It would deprive every city in the State, whether organized under general law or special charter, of the right to exercise jurisdiction and control over its public streets. The right of the municipalities to exercise exclusive control of their public streets, to grant franchises to railroad companies for the use of the same, to establish grades, require the construction of viaducts or subways is a right peculiarly incident to municipal government, and one which belongs both by established custom and constitutional provision to the municipalities alone.

Section 20, article 12 of the Constitution provides: "No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town or village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad; and the franchise so granted shall not be assigned or transferred without similar assent first obtained."

It is evident from the provisions of this section of the Constitution that it was the intent of the framers of the Constitution to give complete authority to municipalities in the the granting of the right "to construct and operate" railroads upon the public streets of such municipality. This contention is sustained by well considered authorities of the Supreme Court.

State ex rel. v. Williams, 227 Mo. 32, l. c. 53.

Railway v. Kirkwood, 159 Mo. 239.

Same v. Railroad, 174 Mo. 53.

Jeffers v. Annapolis (Md.), 68 Atl. 361.

Penn. Coal Co. v. Railroad, 146 Fed. 446.

In the case of Railroad v. Kirkwood, the court said: "It would be difficult to conceive of a more positive and unequivocal veto than that conferred upon the cities, towns and villages of this State by section 20 of article 13 of the Constitution * * * * to prevent the construction and operation of railroads upon their streets and highways without their consent. When such power is given to cities and towns, it is not limited to mere 'yes' and 'no,' but they may impose such conditions upon their consent as they see fit."

In the case of Kansas City v. Railroad, 187 Mo. 146, the court again said: "The city had the absolute right to grant or refuse the railroad company the use of its streets as it saw fit, and when its consent was required, it had the authority to prescribe the terms upon which the company could use them. It was not limited to yes or no."

In State ex rel. v. Murphy, 130 Mo., the court also said: "It is the well considered policy of the law of this State to delegate to municipal corporations not only general police powers, but the control of the streets in respect to the use thereof for public purposes other than that of ordinary travel by pedestrians and private vehicles."

This bill seeks to take away from the municipalities this right granted to them by the Constitution and by the decisions of the Supreme Court, and to place it in the hands of three men constituting the Board of Railroad and Warehouse Commissioners who, in a great majority of cases, would be entirely unfamiliar with local necessities and conditions to which their orders would apply. It would be difficult to imagine a more extreme and radical effort to deprive the people of the municipalities of their right of "home rule" in purely municipal or local affairs. It is considered by those responsible for the preparation and passage of this bill that it would not interfere with the right of the cities, under the provisions of section 20, article 12 of the Constitution, in that it would affect merely the manner

in which the crossing of intersecting railroads should be accomplished. This is a refinement of argument with which I am unable to agree. It is also contended that the power of the Railroad Board in such matters could be exercised in harmony with the power of the municipality in determining the manner in which such crossings should be made. While it is true that such power might be exercised by the Board of Railroad Commissioners in harmony with the municipal authorities, it is also true that it might be exercised in conflict therewith. And the unseemly controversies which this law would make possible between the State and local authorities is an adequate reason, in addition to its unconstitutionality, as to why it should not become effective.

In case the bill was a constitutional enactment, it is also inadequate in that it would not only deprive the city of the right to change, from time to time, the manner in which the crossing of railroads should be effected in the large cities, but it fails to confer upon the Board of Railroad Commissioners this right. For, under the provisions of the bill, when the Board had once made an order fixing the manner in which such crossings should be made, there is no provision giving it the right to thereafter modify or change the same. The right of the municipalities, on account of increased population, and other changed conditions, to require railroads to build viaducts or subways where they intersect, would be destroyed, and the provisions of the special charters of the large cities of the State conferring such right would in this way be amended and repealed.

Further reasons and illustrations might be offered as to the inadvisability of this law, but from those already stated it seems entirely clear to me that this is an unconstitutional, inadvisable and ill-considered piece of legislation.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 12, 1911

From the Journal of the House of Representatives, p. 1430

CITY OF JEFFERSON, April 12, 1911.

To the Secretary of State:

Sir—I have the honor to transmit to you herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 316, entitled

"An act to repeal section 9248 of article 4 of chapter 84 of the Revised Statutes of Missouri, 1909, entitled 'Cities of the third class,' with an emergency clause."

This bill repeals section 9248 of the Revised Statutes, 1909, which provides that the census may be taken by cities of the third class in accordance with an ordinance passed by the council of such city and by an enumerator appointed by the Governor. The census so taken may be used as a basis of taxation, in accordance with the limitations therein prescribed. This bill repeals this section and the reason alleged for such action is that there has been a federal census lately taken upon which the tax levy for the various cities of the third class can be made. While this is true, yet the purpose to be accomplished by this section of the statutes was to permit a census to be taken between the decennial periods of the federal census. With the rapid growth of municipalities, particularly in the undeveloped sections of Missouri, conditions might well arise where a city would, under the Federal census of 1910, be unable to impose a tax levy that might be necessary to carry on public improvements, and, in fact, to provide the necessary expenses of government, if such census was the sole basis upon which a tax levy could be fixed until 1920.

For these reasons, the measure is transmitted to you herewith without my approval.

Very respectfully,

HERBERT S. HADLEY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 13, 1911

From the Journal of the House of Representatives, pp. 1432-1433

CITY OF JEFFERSON, April 13, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 231, entitled

"An act to amend section 190, of article 7, chapter 2, Revised Statutes of Missouri, relating to the allowance and classification of demands, by adding a new clause or paragraph at the end of said section 190, authorizing executors and administrators to acquire and erect monuments or tombstones. And by striking out the words 'one year' and inserting the words 'six months' between the words 'within' and 'after,' in the twenty-third line, and by striking out the words 'one year' and inserting the words 'six months' between the words 'of' and 'and,' in the twenty-fifth line, and by striking out the words 'two years,' and inserting the words 'one year' at the beginning of the twenty-sixth line and before the word 'after,' in said line of said section."

This bill adds an amendment to the administration laws enacted by this General Assembly, which have already received my approval, by addition thereto of the following provision: "If no suitable monument or tombstone is erected at the grave of deceased by his or her heirs or other persons on or before six months after the granting of the

first letters on the estate, then the executor or administrator under an order of the court first made therein, fixing the maximum amount of the cost and expense, may acquire and erect such monument or tombstone at a reasonable cost and expense, according to the station in life of deceased and the conditions of his estate, and the amount of such cost and expense shall be allowed by the court, and placed in the seventh class of demands against the estate," etc.

I am not impressed with the public necessity of this change in the law relating to the administration of estates. So far as I am advised, there has been no such general failure upon the part of those who are naturally concerned with erecting a suitable monument over the grave of one who has stood in ties of relationship to them, to place the right of deciding this question with the probate court after the brief period of six months. Such an enforced observance of a proper respect for the dead would, in my judgment, fail to accomplish the purposes for which it was evidently enacted. If the feeling of respect and regard for the deceased person should not prompt the members of his family or his heirs to place a suitable monument over his grave, I am not disposed to believe that a law which seeks to impose that charge upon the estate by an order of court would serve in any useful public purpose. Under the law of administrations as it now stands, the erection of a monument over the grave of a deceased person can be allowed as one of the claims against the estate.

The six months period to which the administration of estates has been properly shortened makes the period within which this work should be done none too long, particularly in the winter months, for the erection of such a monument.

For these reasons, I transmit this bill without my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 13, 1911

From the Journal of the House of Representatives, p. 1433

CITY OF JEFFERSON, April 13, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 372, entitled

"An act to amend section 7023 of chapter 61, article 6 of the Revised Statutes of Missouri of 1909."

This bill amends section 7023, which permits co-insurance on fire insurance policies in cities of 100,000 inhabitants and over, so as to permit such contracts of co-insurance in cities of 25,000 inhabitants and over.

The purpose of this bill is to prevent the co-insurance clause from being attached to policies issued in cities containing 25,000 inhabitants or over, in order presumably that reduced premium rates may thereby be secured. I am entirely in accord with the purpose sought to be accomplished by this bill, but it is not necessary for me to approve it in order to give the residents of such cities the benefits thereof.

Senate bill No. 25, which was passed by this General Assembly, and which has already received my approval, provides that there shall be no discrimination in fire insurance rates, and, under that bill, if a credit in the way of a reduced rate is conferred upon one city, it must be given to all. The fire companies, and also those who were instrumental in securing the passage of Senate bill No. 25, contend that on account of the anti-discriminatory clauses therein and the provisions repealing all acts and parts of acts in conflict therewith, section 7023, has been repealed by implication.

The fire companies have advised the Superintendent of Insurance that in filing their schedules and rates under the new rating act (Senate bill No. 25), they will give credits in the way of reduced premiums throughout the whole State, where the co-insurance clause is attached. They contend that they cannot under said act, give the insured of one locality a credit for co-insurance without giving it to all. Therefore, citizens of all cities and towns who would be affected by Senate bill No. 372 will, under the operation of the rating bill, receive the benefits intended to be conferred thereby, whether or not this bill is approved.

For the reasons stated, I transmit this bill without my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 13, 1911

From the Journal of the House of Representatives, p. 1434

CITY OF JEFFERSON, April 13, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 863, entitled

"An act providing for the payment of thirty per cent of the total amount of premiums paid at any annual fair or agricultural society for the exhibit of horticulture, agriculture, poultry, live stock, fancy work, school exhibits and domestic and mechanical arts, by the State of Missouri, and appropriating such money."

This bill provides State aid for county fairs through an appropriation of $30,000 for this biennial period, the

maximum amount of $300 being available for thirty per cent of the premium list of each county upon proper application and showing.

While the object sought to be accomplished by this bill is entirely commendable and has my entire approval, yet in view of the excess of appropriations over the revenues to approximately one million dollars for this biennial period, I deem it advisable that this bill should not now become a law. During the session of the Legislature I repeatedly called attention to the fact that the revenues of the State, in accordance with the estimate of the State Auditor, and from other available sources of information, would not be sufficient to meet the legitimate and proper demands for the support of the State departments and State institutions during this biennial period, and I suggested various means by which the revenues of the State might be increased without an increase in the general property tax. These recommendations were disregarded, and appropriations to an amount of approximately $11,000,000, were made, while the available revenues will not, according to the best information available, exceed $9,800,000.

In view of these facts, it is not only inadvisable, but impracticable, for the State to undertake the commendable purpose of encouraging and assisting the various county fairs of the State in providing an adequate and attractive premium list for exhibitors therein. Until the members of the legislative department are willing to bear the responsibility incident to providing revenues adequate for the accomplishment of such purposes as this, the people must be denied the benefit and assistance which would be thus secured.

For these reasons I transmit this bill without my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 13, 1911

From the Journal of the House of Representatives, pp. 1434-1435

CITY OF JEFFERSON, April 13, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 864, entitled

"An act to amend section No. 947 of chapter nine, Revised Statutes of Missouri, 1909, entitled 'Attorneys at law,' by striking out the word 'three,' in the last line of said section, and inserting in lieu thereof the word 'one.' "

This bill amends the existing law providing for the admission of attorneys of other states to the practice of law in this State without taking the examination required of residents of this State who seek to enter the ranks of that profession. The present law provides that an attorney who has been admitted to and has been practicing for three years in another state may, on motion, be admitted by the Supreme Court to practice in this State without examination. If this bill should become a law, it would require that an applicant for a license to practice in this State should have practiced in another state for a period of one year.

In 1905, largely through the influence of the lawyers of this State, a law was passed providing for a State Board of Law Examiners, before whom should be examined all applicants for admission to practice law. The purpose of this law was to raise the standards of the profession, and to prevent those securing a license to practice who did not possess the qualifications which common experience has demonstrated to be necessary and advisable. In many states of the Union, the requirements for admission to practice are still notoriously lax, and if after having been en-

gaged in the practice of law in such states for only one year an applicant was admitted to practice in this State upon motion, there would not only be a discrimination against the citizens of this State seeking admission to the bar, but the high standard sought to be established by the existing statute would be seriously impaired. The exercise of the discretion which would be necessarily incident to passing upon the qualification of those who would seek admission to practice law in this State under the terms of this bill would oftentimes be a source of embarrassment and annoyance and require an examination into matters which ought not to be imposed upon the Supreme Court.

I am strengthened in my conviction that this bill is an inadvisable piece of legislation by the expressions that I have received from every lawyer and judge with whom I have conversed upon this subject, with one exception, and that the author of the bill.

For these reasons I transmit this bill without my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 17, 1911

From the Journal of the House of Representatives, pp. 1437-1438

CITY OF JEFFERSON, April 17, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Committee Substitute for House bill No. 668, entitled

"An act creating the office of county auditor in certain counties, fixing his duties, and providing a chief deputy and deputies and salaries."

This bill applies alone to Jackson county. Its purpose is to constitute the county clerk of such county ex officio the county auditor, with power to examine and audit the accounts of all other county and township officials. While the necessity of a regular and effective audit of the accounts of public officials is generally recognized and appreciated, it is inadvisable to constitute the county clerk the auditor of the accounts of other county officials, while exempting his office from the same supervision. Particularly is this true in view of the fact that there is as much necessity for the auditing of the accounts of the county clerk as there is in the case of any other county officials. For that officer in Jackson county is one of the important financial officers of the county, and the nature of the business handled through that office indicates the reasons why it should be subjected to, and not exempted from, the same examination and auditing of accounts as are the other officers of the county.

Under the provisions of the existing statute, the county court can make such audit of the accounts of any official through the county accountant that it may deem advisable, and until the Legislature sees fit to provide for the election or appointment of a county auditor, whose duties shall include the auditing of the accounts of all county officials, I deem it advisable that no change should be made in the existing law.

This bill increases the salary of the county clerk of Jackson county a thousand dollars a year, and imposes additional duties upon him as county auditor, which would approximate, if not equal, in importance, the duties that he was elected by the people to perform. It also provides for the appointment of a deputy and deputies, and, in a general way, makes the county clerk a general supervisor of all county officials, to whom they must submit regular reports of the conduct of their offices. In the creation of

such important official duties, it is important that the people of the county should be permitted to be heard. And from the expressions of opinion received from the people of Jackson county, I am strengthened in my conviction as to the inadvisability of this law.

For these reasons I transmit this bill without my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, pp. 1429-1430

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Committee Substitute for House bill No. 234, entitled "An act to amend sections 2427 and 2428 of chapter 22, article 5 of the Revised Statutes of Missouri, 1909, by adding to each and both said sections, certain words."

This bill, which amends the garnishment laws of the State, covers the same subject matter as Senate bills Nos. 144, 209 and 210. In view of the fact that the abuses which had grown up under the operation of our garnishment laws are more satisfactory and effectively corrected by these three Senate bills than by House bill No. 234, there is no necessity for this bill to become a law.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, p. 1443

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 39, entitled

"An act to amend section 5510 of article 1 of chapter 41 of the Revised Statutes of Missouri, 1909, relating to the compensation of supervisors of drainage districts organized by circuit courts, by striking out certain words and inserting certain words, with an emergency clause."

This bill is an amendment to section 5510 of the Revised Statutes of 1909, the purpose of which is to fix the compensation of members of the board of supervisors of drainage districts organized under the provisions of article 1, chapter 41, Revised Statutes of 1909. It fixes the compensation of each member of the board at two dollars a day and an allowance for their expenses. Senate bill No. 348, which was passed by this General Assembly, and has received my approval, was prepared by a number of parties interested in the perfecting of the drainage laws of the State, and among other things, provides that the compensation of the supervisors shall be fixed by the land owners interested in such drainage district at not to exceed five dollars per day and expenses incurred.

In view of the fact that it has seemed advisable to sign Senate bill No. 348, on account of other provisions therein, and as this bill is in conflict with section 5510 of that bill, the same is transmitted without my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, pp. 1443-1444

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 186, entitled

"An act to amend section 6920 of the Revised Statutes of Missouri of 1909, relating to investments of accident and life insurance companies organized under the laws of this State, with an emergency clause."

This bill covers the same subject-matter as House bill No. 98, except that it does not permit the loaning of the capital stock of a life insurance company in excess of $100,000 on the stock of another life insurance company, and it permits the investment of the capital stock in excess of $100,000 in the stock of a company organized under the laws of the State, provided no such insurance company shall have power to buy stock in any company in an amount which will give the company so buying the majority of the stock of any other Missouri corporation. The reasons stated in my veto of House bill No. 98 are, in my opinion, sufficient reasons for vetoing this measure, which is, therefore, returned without my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911
From the Journal of the House of Representatives, pp. 1444-1445

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 407, entitled

"An act to repeal sections 10594 and 10595 of the Revised Statutes of 1909, and to enact in lieu thereof two new sections, to be known as section 10594 and section 10595, providing for and regulating the levy, collection and distribution of taxes, poll taxes and licenses in special road districts."

In response to my request for an opinion as to the advisability of this measure, I received the following communication from Curtis Hill, the State Highway Engineer:

"Senate bill No. 407 would simplify the wording of those sections now in existence which specify the method for distribution of road taxes collected within the eight-mile special district.

"Also, the constitutional amendment of 1908, for the special 25-cent road levy reads that it is a county road and bridge fund (see section 10482). Since this amendment was adopted, a dispute has existed between some of the county courts and district commissioners as to whether or not the county or the district was entitled to the funds derived from this special 25-cents levy. See sections 10594 and 10595, R. S., 1909.

"Section 10594 of this bill makes the special 25-cent levy a district fund.

"To simplify the wording of these sections is good, but in my opinion the amendment of 1908 was intended to create a county road and bridge fund, for which no other provisions

exist, except saloon license and, therefore, none where saloons do not exist, and the amendment is so worded. It is necessary for the county to have a fund to assist in carrying a good road through poorer districts and for bridge purposes. The cities of a county and special district should aid in the creation of this fund, and a portion, at least, of this 25-cent levy should go to the general county road fund. It is also questionable in my mind if the Legislature can divert the funds of the 25-cent special levy, under the wording of that amendment (1908), from the general county fund. If the Legislature can divert these funds and this bill becomes a law, it constitutes an argument upon Senator Carter's bill, whereby under which the State, and not the county, would then virtually provide the general county road and bridge fund.

"This bill (Senate bill No. 407) again fixes the poll tax within the eight-mile special district at $2.50, as at present. This is satisfactory, but should House bill No. 965 become a law, the two will be in conflict."

Mr. Hill's arguments against the advisability of this bill impress me as furnishing sufficient reasons why it should not become a law. As I deemed it advisable to approve House bill No. 965, a conflicting provision as to the amount of poll taxes would necessitate the veto of this bill in order to prevent the complications and confusions that would result therefrom.

The provision of the constitutional amendment of 1908 authorizes a special 25-cent levy for road and bridge purposes, and the construction placed thereon by the General Assembly of 1909, strongly indicate that Mr. Hill is correct in his theory that this amendment of the Constitution was devised for the creation of a county bridge and road fund, to be expended by the county court for the benefit of the entire county, and not to be expended by the special road districts in which such fund was raised.

Very respectfully,

HERBERT S. HADLEY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, pp. 1445-1448

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 445, entitled

"An act authorizing the issuance of contracts to furnish robes, funeral supplies and undertaker's services, and fixing penalties for violation, with an emergency clause."

This bill undertakes to provide a method for making contracts to furnish robes, funeral supplies and undertaker's supplies, and also to prohibit the issuance of such contracts in any other manner than that provided for by this bill. All that is required by the provisions of this measure of the person, firm or corporation issuing such contracts is that they shall make a bond that they will carry out their contracts, which bond shall be approved by the county court of the county in which such association is located. As there is no provision in the law requiring the bond to be filed either with the county court, or any other public officer, or, for having it renewed from time to time, or for any supervision of the business for such associations by the Insurance Department, it is at once apparent that the safeguards undertaken to be provided for by the bill as to the carrying out of these contracts are of little or no value.

In view of the fact that there are already two provisions of the statute under which organizations for the purpose of issuing such contracts have been licensed to do business in the State, it would be clearly inadvisable that this bill should become a law.

The objections to this measure are forcibly stated by the Superintendent of Insurance and the Deputy Superintendent of Insurance, which communications are embodied herein:

March 27, 1911.

Hon. Herbert S. Hadley, Governor of Missouri, Jefferson City, Mo.:

Dear Sir—I have examined Senate bill No. 445, and am opposed to legislation of this kind. This act permits any person or company, upon entering into a bond of $5,000, to be approved by the county court, to engage in the insurance business by furnishing burial robes, funeral supplies and undertaker's services to the amount of $100.00 to policyholders. The Insurance Department is vested with no supervision under the act over associations or persons engaged in such business. The bond referred to does not even have to be filed anywhere, neither is there any provision requiring it to be renewed from time to time.

The bill is specially objectionable on account of the terms of sections 3 and 4. They virtually require every agent who issues policies to defray funeral expense, to issue such contracts under the terms of the act under consideration, and take away from the legitimate companies, properly organized and subject to supervision, the power to issue such policies. Several corporations have been recently organized in Missouri to engage in the business covered by the act. They would be legislated out of existence by this bill, or required to comply with its provisions, in order to continue in business.

This bill never showed up in either insurance committee. I heard of it late in the session, but never read it until I saw it in your office. I would not oppose legislation freeing burial associations from some of the stringent provisions of the insurance laws, but the measure under discussion does not contemplate that protection of policy-

holders which should be thrown around this business, and I cannot see my way clear to endorse it.

Very respectfully,

FRANK BLAKE,
Superintendent.

April 13, 1911.

Hon. Herbert S. Hadley, Governor of Missouri, Jefferson City, Mo.:

Dear Sir—Herewith I hand you memorandum of the statutory provisions under which burial associations may incorporate under the present law, if they see fit.

Very respectfully,

M. D. ABER,
Deputy Superintendent.

Memorandum of statutory provisions under which the burial associations in Jasper and other counties can incorporate and so conduct their business as to avoid personal liability:

Under Article III. Section 6851 provides that not less than seven citizens of the State may procure pro forma decree of incorporation from a circuit court, after they have procurred applications for insurance in amount not less than $100,000, from not less than one hundred persons, and that $5,000 in cash has been deposited in bank to the credit of the beneficiary fund of the proposed corporation.

Section 6954 provides for accumulation of an emergency fund not less than the proceeds of one death assessment on all policyholders. If accident insurance is added to business done, they are also required to accumulate a fund equal to amount of maximum certificate issued.

Section 6961. Fees.—Such organizations are required to pay to the State, for issuing license to do business, $25.00, and for filing annual statements a like amount. If they

employ soliciting agents, they are required to pay an annual license fee therefor of $2.00 each.

Under this article there is no scale of rates established, and the organizations have an unlimited power of assessment upon their members.

The Edgerton Association availed itself of this article. Mr. McComas, the manager thereof, secured the consent of practically every member of his old association to the transfer, and has since that time largely increased his membership. In doing so he took the net yearly term rates of the actuaries' tables, referred to under article IV hereafter, and for the purpose of meeting expenses and accumulating ample reserves, doubled them. As stated, he has held his old membership and largely increased it. The Joplin people will not need to adopt the McComas rates, unless they see fit. They can, if they choose, start with present rates, and if they find them not sufficient, can later on increase them, if they reserve the power thereto in their by-laws and contracts issued.

Under article IV. Sections 6963-4 provide that not less than seven citizens of the State may sign articles of association, the outline and provisions of which are set forth in section 6954. When approved by the Superintendent of Insurance and Attorney-General they are filed with the Secretary of State, who issues certificate as in case of other corporations. They may have a capital stock, whereof 20 per cent must be paid up.

Section 6965 provides that such corporations cannot be licensed to transact business until it had procured applications for insurance from not less than two hundred persons, in amount not less than $250,000. They must also deposit with the Superintendent of Insurance, $5,000.

If the capital stock above referred to is made $25,000, the 20 per cent required to be paid up will provide the deposit fund. Invested in farm mortgage it will return an income sufficient to eliminate, practically, the cost of the investment.

Section 6967 provides for minimum rates based on the yearly term rates of actuaries' mortality tables, increased by 20 per cent thereof to cover emergencies, which would make the minimum rates to be charged by such corporation for ages shown as follows:

These rates, with the 20 per cent additions, would be as follows for ages stated:

Age.	Rate per month per $100.	Rate per year per $100.
20	.07	.85
25	075	.90
30	.081	.98
35	.09	1.07
40	.10	1.20
45	12	1.44
50	15	1.80
55	.21	2.50
60	292	3.50

The Burial Association, Miss Knell stated, were charging a flat rate of 10 cents per month, which, it will be noted, is the rate for age 40 in above table.

Section 6984. Fees.—Same as under article III, except soliciting agents' licenses, are $1.00.

The associations which now exist in Jasper county, in which many estimable citizens are interested, have conducted their business for a number of years without any safeguards other than those which are furnished by the personal integrity of the parties issuing these contracts. While it would, in my opinion, be preferable that the persons issuing these contracts should be licensed to do business under the provisions of the statutes of the State referred to by Mr. Aber, I feel that there is manifestly no public necessity that they should be permitted to do business in the manner provided for by this bill, and the companies which have incorporated under the laws of this State and

are carrying on business under the safeguards provided by law, should be prohibited from continuing to do so. The provision of this bill, which makes it unlawful for the companies organized and licensed to do business under the laws of this State to continue to conduct such business, is a sufficient reason in and of itself why this bill should be vetoed.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, pp. 1453-1455

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Committee substitute for House bill No. 98, entitled

"An act to amend section 6920 of the Revised Statutes of Missouri of 1909, relating to investments of accident and life insurance companies, organized under the laws of this State, with an emergency clause."

This bill permits an insurance company organized under the laws of this State to use all of its capital stock over $100,000 in amount in the purchase of or as loans on the stocks of other life insurance companies. It has been contrary to the public policy of this State, as evidenced by the decisions of the courts, for one corporation to exercise control over the business of any other corporation by the ownership of a majority of its stock.

This bill seeks to change this public policy in so far as life insurance companies are concerned. And it is frankly stated by those desiring the approval of this bill, that it is desired in order to enable life insurance companies doing business in this State to secure the business of other life insurance companies by purchasing a majority of their stock. Under the provisions of our law a consolidation of life insurance companies doing business in this State is permitted under such safeguards as will protect the policyholders and the stockholders. And the question presented by House bill 98, and also by Senate bill 186, which cover practically the same subject, is as to whether it is advisable for the State to permit one life insurance company to control another life insurance company by purchasing or loaning its capital in excess of $100,000 upon the capital stock of some other life insurance company.

The objections to this measure are forcibly set forth by Mr. Frank Blake, Superintendent of Insurance, under date of March 27th:

"I have examined House bill No. 98, and respectfully request that you veto same. It permits any life insurance company organized under the laws of Missouri to invest in, purchase or loan all of its capital stock over $100,000.00, and over and above its reserves, in the stocks of other life insurance companies. This bill should be considered along with Senate bill 186, which is substantially the same. I opposed these bills before the committees of the House and Senate. Only one domestic life insurance company is desirous of having the law enacted. Every other domestic life company is opposed to it. The ownership of stock by one corporation, and especially the control of one corporation by another, is against the spirit of our laws. I am against the bill, however, for other and more important reasons. The company which asks for this legislation has a paid-up capital stock of $620,000.00, all of which is invested in first-class securities and on deposit with this department in the security box. This company has advertised extensively the amount of this deposit and has obtained

a large amount of insurance on the strength of such deposit, the advertisements stating that the securities are put up to protect its policyholders.

"If you sign this bill this company may ask to withdraw $520,000.00 of this $620,000.00 deposit and invest it in the stocks of other life insurance companies. Under the existing laws the Insurance Superintendent is required to examine life insurance companies to determine their financial standing. It is comparatively easy to examine their securities when their investments are made in the class and character of securities as are authorized by section 6920. If investments are to be made in the stocks of other life insurance companies, it will be necessary to examine each company in which stock is held before the financial condition of the holding company is known. The Missouri laws relating to investments by life insurance companies are sound and conservative. If they are adhered to, no policyholder can suffer loss. If House bill No. 98 and Senate bill No. 196 become a law, I do not want to be held responsible for what may result."

I have been importuned by stockholders of one of the leading life insurance companies of this State to give to this bill and Senate bill 186 my approval. But from the facts stated by Mr. Blake in his letter, and other information he has furnished me, I am satisfied that the best interests of life insurance companies organized under the laws of this State would be subserved by the veto of this bill, rather than by permitting it to become a law.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, p. 1455

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 724, entitled

"An act to amend section 7008 of article VI of chapter 61 of the Revised Statutes of Missouri for the year 1909, relating to insurance other than life, by inserting certain words therein, with an emergency clause."

For the reason that the subject-matter of this bill is fully covered by Senate bill No. 184, which is somewhat broader in its provisions than this measure, and as I have this day signed Senate bill No. 184, there is no useful public purpose to be accomplished by permitting this bill to become a law. I, therefore, transmit the same without my approval.

Very respectfully,

HERBERT S. HADLEY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, pp. 1455-1457

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Committee substitute for House bill No. 1101, entitled "An act to repeal sections 6718 and 6719 of chapter 57, Revised Statutes of Missouri, 1909, relating to the obtaining of board and lodging under false pretenses, and to enact new sections in lieu thereof, relating to the obtaining of board and lodging under false pretenses, and prescribing penalties for the violation thereof, and relating to the lien of an inn, hotel, boarding or eating house keeper for board and lodging obtained, with an emergency clause."

This bill creates a lien for innkeepers upon the baggage and property of their guests, and undertakes to make the neglect or refusal to pay a hotel bill on demand prima facie evidence of a criminal intent to procure hotel accommodations with the intent to defraud.

There is no objection to the measure so far as the lien is concerned, but the provision making the neglect or refusal to pay on demand for hotel accommodations, prima facie evidence of a criminal intent is, in my judgment, an extreme, inadvisable and unconstitutional provision. Under this law a stranger in a community, who is either unable or has neglected to pay for a hotel bill, or who did not agree with the proprietor of the hotel as to the amount due, would be subject to criminal prosecution therefor. Against the presumption that this bill would create that from his neglect or refusal to pay his hotel bill he intended to defraud, he would be able, in a large majority of cases, to offer only a statement of his good intentions. The undue advantage and the possibility of working a hardship, if not a positive injustice, that this measure would place in the hands of proprietors of hotels is at once apparent. Under the provisions of our Constitution imprisonment for debt is prohibited. And yet, under the provisons of this bill, one who had neglected to pay his hotel bill could be prosecuted, convicted of a criminal offense and subjected to a fine and imprisonment upon no other evidence than the evidence that he had failed to pay what the hotel keeper claimed was due, on demand. It is contended that this does not impose imprisonment for debt, but imprisonment for fraud. This

is merely reasoning in a circle. The evidence of the intent to defraud would consist in the neglect or refusal to pay upon demand. The Supreme Court of Illinois, and, I understand, also the Supreme Court of Kentucky, has held a similar law unconstitutional. Under existing statutes one who obtains hotel accommodations with the intent to defraud, or not to pay therefor at the time he secures them, can, upon evidence of this fact, be prosecuted and convicted. While it is true that under the provisions of this law it is sometimes difficult to convict those guilty of this offense, yet I believe that more harm than good would result in the approval of this measure. While unquestionably the great majority of reputable hotel keepers of the State would not take advantage of it, there are those who would do so, and if an effort was made to make it a means of injustice, the situation in which the traveler would then find himself, who had, through misfortune or accident, come within the provisions of this law, would forcibly indicate the inadvisability of the bill.

I have received many communications from the traveling men of this State who, I am certain, do not wish to see any injustice done to the hotel keeper, or to avoid paying any just demands for their hotel accommodations, protesting strongly against this measure. But even in the absence of this protest, I would regard the bill as a radical and unwise departure from the established public policy of this State as provided by the provisions of our Constitution and existing statutes.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

April 19, 1911

From the Journal of the House of Representatives, pp. 1448-1453

CITY OF JEFFERSON, APRIL 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Committee substitute for House bill No. 40, entitled

"An act prohibiting discrimination in charges for carrying passengers by railroads, and providing for recovery of penalties and punishment of officers, agents, and employes of railroads for violation of the provisions of this act, with an emergency clause."

While I was at first disposed to give this bill my approval, I have after a very careful consideration and investigation as to its effect and advisability, reached the conclusion that it should not become a law. While the announced purpose of the bill is to prohibit discriminations in passenger rates, it is claimed that the real purpose sought to be accomplished is to enforce a reduction in passenger rates by those roads which are now charging in excess of 2½ cents a mile. If, as a result of my experience and investigation, I believed that this bill will reduce charges for passenger service, or effectively prohibit discriminations in such charges, I would very gladly give it my approval. But as it is my opinion that this bill would in actual effect both increase rates and decrease the service that the people of this State now receive, I feel that I ought not to permit it to become a law. That such a result would follow is apparent from the application of the law to existing conditions.

The bill prohibits a railroad company, under severe penalties, from charging a higher rate per mile between

any two stations in the State than between any other two stations in the State. Thus, it prohibits a railroad company from charging a higher rate per mile for carrying a passenger 250 miles between competitive points than it charges for carrying him fifty miles between non-competitive points, although the conditions under which one passenger was carried 250 miles and the expense per mile of such transportation might be entirely different. If a railroad with a long mileage between two towns should install a low rate between such points to meet the necessary competition of a shorter line, it would, under this bill, be compelled to apply the same rate per mile over its entire system, or else discontinue such competitive rates and service. To illustrate: The distance from Kansas City to Carthage over the Missouri Pacific is 150 miles, and the fare is $3.40, which is 2.26 cents per mile. The distance from Kansas City to Carthage over the Frisco is 184 miles; the rate is of necessity $3.40, which is 1.84 cents per mile. The distance from Kansas City to Joplin over the Kansas City Southern is 155 miles; the fare is $3.40, which is 2.19 cents per mile. The distance from Kansas City to Joplin over the Frisco is 163 miles; the fare is $3.40, which is 2.08 cents per mile.

Thus, if this bill should become a law, the Missouri Pacific would have to establish an open rate over its entire system of 2.26 cents per mile, or else increase the rate between Kansas City and Carthage; and the Frisco would have to increase its charge of 2.08 cents per mile between Kansas City and Joplin, or else establish the same rate per mile over its entire system. The passenger rate between Kansas City and St. Louis is $7.00, which is approximately 2½ cents a mile for the Wabash, which has the short mileage, and less than 2¼ cents per mile for the road that has the long mileage. The rate between these two points would by all of these roads have to be increased, or else the rate per mile from Kansas City to St. Louis of each of these roads would have to be established over the entire system. The necessary result [would] be to give a monopoly of

traffic to the short lines, or a general increase in rates by all the lines.

Under existing rates it costs the same to go from Columbia to St. Louis over the M. K. & T. as it does over the Wabash, which is the short line. But the M. K. & T. furnishes a sleeping car and special service for the accommodation of those going to and from the State University. If this bill became a law, the M. K. & T. would have to increase its rate between St. Louis and Columbia, or else apply the rate per mile which it now charges, which is approximately two cents a mile, over its entire system. The application of such a rate would unquestionably result in the M. K. & T. abandoning its train service between Columbia and St. Louis, and would also do away with competition in rates or in service between all competitive points in this State.

While one is strongly inclined, in view of the injustice that has been done to the people of Missouri during the last two years by the five railroad companies which have been charging three cents a mile, to sign any measure affecting this situation, yet that natural feeling of resentment ought not, and should not, carry one to the extent of approving a bill which would not secure a correction of existing discriminations and which, in actual effect, would increase rates instead of lower them, as well as work an injustice to those roads which during the course of the last two years have treated the people of Missouri fairly.

Not only would this law do away with competitive rates and train service between competitive points, but it would also prohibit the issuance of mileage books and credential books which are now used so extensively by the traveling public and particularly by the representatives of the business houses of the State.

A similar law to this was passed in the State of Iowa and in practical operation there brought such unsatisfactory results through a discontinuance of competition between competitive lines both in service and in rates, that Senator A. B. Cummins, then Governor of the State, recommended

to the Legislature that the law be amended so as to permit competition at competitive points without the railroads being required to apply the rate thus established over their entire system.

That there exists an unsatisfactory situation in passenger rates in this State for the last two years is entirely clear. I recommended to the Legislature two years ago that it pass a bill in accordance with the provisions of the Constitution prohibiting discrimination in passenger charges by enacting the law applicable to passenger rates, which had long been on the statute books in relation to freight rates. This bill passed the House, but was defeated in the Senate. Again this year, I recommended the same bill, prohibiting a railroad company from charging a higher rate per mile between any two stations than between any other two stations equally distant. This bill again passed the House, but again failed to receive the approval of the Senate. This bill was, in my opinion, not only a constitutional, but also an advisable measure, and would in practical effect have accomplished a beneficial result. But while I recommended and would have been glad to have given my approval to the bill referred to, the bill now under consideration is a very different measure. Instead of requiring the railroad company to charge the same rate per mile for a common service, it requires the railroad to charge the same rate per mile for a different and a more expensive service rendered under dissimilar conditions.

Notwithstanding all these facts, in view of the unsatisfactory conditions in the railroad charges in this State, I might be disposed to place the responsibility for this measure upon the legislative department trusting that the bill might do something to relieve existing conditions, were it not for the fact that I believe the relief sought to be accomplished by this bill can be secured through another measure, and that far more satisfactory and effectively.

I have given my approval to Senate bill No. 37, authorizing the Board of Railroad and Warehouse Commissioners to classify the railroads of the State and to fix passenger

rates thereon. In a letter received by me from Mr. Frank A. Wightman, a member of the Board of Railroad and Warehouse Commissioners, requesting me to sign Senate bill No. 37, and to veto House bill No. 40, he makes the following statements:

"You have under consideration Senate bill No. 37, giving to the Board of Railroad and Warehouse Commissioners power to fix passenger rates; and also committee substitute for House bill No. 40, which prohibits a railroad from charging more per mile between any two stations than it charges between any other two stations.

"I wish to ask that you sign Senate bill 37 and veto House bill 40. I make this request because, in my opinion, House bill 40 will increase railroad rates in this State instead of decreasing them, and will also work a hardship on the traveling public.

"I am confident from my experience as a railroad man and a member of this board for the last six years, that it will not accomplish the result that it is intended to accomplish. It will cause those roads which are now charging 2½ cents per mile to increase their rates, at least between competitive points, and will not cause those roads which are charging 3 cents per mile to decrease their rates. The author of this bill stated before the committee when it was up for discussion, that his purpose in introducing it was to compel the roads which were now charging 3 cents per mile to reduce their charges to 2½ cents per mile, and that if such roads would put into effect a 2½-cent rate he would withdraw the bill or ask the Governor to veto it. This was, as I understand it, the object he sought to accomplish. I am confident that the bill will not only not accomplish this result, as I am also confident that this result can be accomplished if you will approve Senate bill No. 37.

"I am advised by the Attorney-General that under the provisions of Senate bill No. 37, the board can, pending the appeal on the two-cent passenger rate law, establish a 2½-cent rate, without affecting the appeal in those cases. I believe that rate would be reasonable and that the Board

of Railroad and Warehouse Commissioners would, on investigation, make such an order, and, if effective, it will accomplish the result sought to be accomplished by House bill 40, without disturbing conditions; without doing away with competitive rates, and without injury to those roads, which, in fairness to the people of Missouri during the course of the last two years, have been charging 2½ cents per mile. I, therefore, request that you sign Senate bill 37, and veto House bill 40."

I also am informed by the Attorney-General that, in his judgment, under the provisions of Senate bill No. 37, the Board of Railroad and Warehouse Commissioners can establish, pending the appeal from the decisions of Judge McPherson, a 2½-cent rate in this State and enforce it without affecting the dismissal or abandonment of the appeal in that case now pending in the Supreme Court.

If this is true, it would be a far more satisfactory and effective method to pursue than to undertake to bring about automatically through the operation of this law a correction of the unsatisfactory conditions that now obtain. I have, therefore, approved Senate bill No. 37, in order that the Railroad Commissioners can proceed to establish a 2½-cent rate, if they deem it advisable so to do. But even if this power cannot be exercised under the provisions of Senate bill No. 37, by the Railroad Board, without affecting the appeal in the two-cent fare case, I believe the representatives of the State can secure in these cases, from the United States Circuit Court, upon a showing that can be made, an order restraining the five roads that are now charging three cents a mile from charging in excess of 2½ cents a mile.

In reaching the conclusion that I should veto House bill No. 40, I am glad to learn that I am supported by the opinions of those people throughout this State who have apparently given this measure careful consideration. I have not received a request from a single citizen of Missouri, except the author of this bill, that I should give it my approval. While, on the other hand, I am in receipt of a large number of communications from leading commercial

organizations of the State and from business and professional men asking that the bill be not approved, for the reason that in their opinion it would increase rates instead of decreasing them; impair, rather than improve, railroad service, and create a condition of confusion and of controversy which would be inadvisable, particularly at this time. Various reasons have been urged by the railroads in support of their contention that this bill is not a constitutional enactment. If I deemed the measure an advisable one, I might with propriety leave that question to the courts for determination. But as such is not the case, I will refer to such of these reasons as I think are well founded. Under the Constitution, the Legislature has the power to prohibit "unjust discrimination." A discrimination to be unjust must consist in a different charge for a common service. Thus, under the law, a railroad, as a public highway and a common carrier, is required to carry one person or his property at the same rate as the person or property of another for the same distance and under the same conditions. But it has been held by the Supreme Court of the United States that a railroad is not required to carry a person or his property between competitive points at the same rate that it charges between non-competitive points; that it is not compelled to carry a passenger or property for a short haul at the same rate per mile that it charges for a long haul. (Lake Shore Railroad Company v. Smith, 173 U. S. 697; McGraw v. Missouri Pacific, 132 South Western 1076; Cone v. Iron Mountain, 133 South Western.)

This bill undertakes to prohibit all differences in charges, whether just or unjust. Under the decisions of the Supreme Court of this State and of the United States, such a limitation has been held unconstitutional. The Constitution, while prohibiting unjust discrimination, specially permits railroads to issue "excursion and commutation tickets at special rates." This bill undertakes apparently to make the same exemption, but the exemption in the bill is not as broad as the exemption in the Constitution. The bill permits railroads to make special rates for "round-trip

excursion tickets and for commutation tickets, good only on suburban trains." No such limitation is to be found in the Constitution.

The other objection as to the constitutionality of the bill which, in my opinion, is well founded, is that the penalties provided are so severe as to amount to an attempt to coerce the railroads into a compliance with the law without questioning its validity in court. It gives to any passenger who is charged a higher rate than authorized by the bill the right to sue and enforce a penalty of $500 and the costs of the proceeding; and it makes any officer, agent or employe violating the law guilty of a misdemeanor, and subject to a fine, on conviction, of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail for not less than six months, or by both such fine and imprisonment.

In the case of ex parte Young, 209 U. S. 124, similar penalty provisions were held unconstitutional and the provisions of this bill will doubtless be construed as affecting the validity of the entire measure. At all events, if the penalty clauses were held unconstitutional, they would, of course, make the measure itself unenforceable, because it would be a law without a sanction.

In view of these facts, it is my judgment that it would be far preferable to adopt the method provided for by Senate bill No. 37, and through an order of the Board of Railroad and Warehouse Commissioners, or through an appeal again to the courts, endeavor to correct the present unsatisfactory conditions in the charges for passenger service in this State, than to enter upon the doubtful and inadvisable experiment which I am satisfied would result from an approval of this measure.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1911

From the Journal of the House of Representatives, pp. 1457-1459

CITY OF JEFFERSON, April 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 60, entitled

"An act to provide for an equal distribution of all moneys in the good road fund to the various counties and the city of St. Louis."

This bill creates a new plan for the distribution of the State road fund, which is derived from the tax upon automobiles and the tax upon transactions in futures. Under the act of 1907, as revised by the Legislature in 1909, this fund is to be distributed to the counties of the State by giving to each county, city or special road district therein a sum equal to one-half of the cost of any permanent road improvements, provided such amount does not exceed the portion due to such county in accordance with the assessed valuation of its property as compared with the assessed valuation of other counties of the State; and provided further, that it does not exceed three per cent of the amount to this fund in any one year.

Under the existing law, the plans for road improvements which receive State aid must have the approval of the State Highway Engineer, and the work must be conducted to his satisfaction. The present law is somewhat involved, different interpretations having been placed upon it, and it is my opinion that some more satisfactory and direct plan for the distribution of the State's road money will eventually have to be adopted. But I do not consider it advisable at this time to make a change in the existing

statute. On account of the limited amount derived from the tax upon automobiles, and in view of the fact that very little, if any, money has been received from the stamp tax on futures, on account of litigation, this law has hardly had a fair trial. In view of the increase made by the present Legislature in the State license tax upon automobiles, and in view of the fact that the constitutionality of the stamp tax law has been decided in favor of the State, a very considerable sum of money will, during the course of the next two years, come into this fund. And I am advised that already extensive plans have been made in various counties for permanent road improvements under the expectation that they will receive the assistance provided for by the existing statute.

There are already on file in the office of the State Auditor claims for $139,000 against this fund for the State's half of the cost of permanent road improvements completed in various counties of the State. In House bill No. 1200 a special appropriation is made out of this fund by sections 25 and 25a for the payment of these claims. These appropriations will not receive my approval, and the claims that may be filed during the course of the next two years will have to be passed upon and allowed in accordance with the act of 1909. Otherwise there would be no assurance that the people of one county would not receive far in excess of the proportion of State funds allowed under the provisions of the act of 1909. It is claimed for this bill that as it would make an equal distribution of this fund among all the counties of the State which made the 25-cent levy for good roads authorized by the constitutional amendment of 1907 that it would encourage road building generally throughout the State and do more good than can be accomplished under the existing law.

I am not prepared to say, as an abstract proposition, that the plan provided for by Senate bill No. 60 is not preferable to the plan provided for by the existing law. But I feel that the present law should be given a fair trial, and that certain changes should be made in the plans provided

for by this bill before the present law should be repealed and the proposed bill become effective. If the claims now pending against the State road fund under the act of 1909, were allowed, there would be such a comparatively small amount received by the various counties of the State under this bill that it would accomplish but little or nothing towards the construction of permanent roads. Under the provisions of this bill it is not necessary that the amount raised by the county under its 25-cent tax levy should be expended in permanent road improvements, and there is no adequate safeguard provided by this bill that the amount that the counties would receive from this fund would be expended in permanent road improvements. There is no supervision provided over the expenditure of this fund by the State Highway Engineer, and, in fact, the limited amount that would go to each county would in itself make it impracticable for any satisfactory and comprehensive permanent improvements to be made.

In 1905 the Legislature distributed the sum of $400,000 that had been received from the National Government among the various counties of the State as a special road fund for the building of roads. No State supervision was provided for to see that this money was wisely and effectively expended in permanent road improvements. The result was that in a large majority of cases this money was frittered away by the various counties in general road work and no permanent benefit was derived therefrom.

The argument has been made that as this bill embodies a question of public policy in dealing with the State road fund, which is in its nature a matter of judgment and opinion, that I should not undertake to set up my judgment against the judgment of the legislative department. This argument loses much of its force, in view of the fact that this bill was first defeated in the House and on reconsideration received only a constitutional majority. It is further weakened by the fact that after the General Assembly had passed this bill it passed another bill providing for an entirely different system for distributing the State road fund de-

rived from the tax on futures among the various counties of the State. In House bill No. 1200, section 67, it is provided that the State road fund derived from the taxation of "futures" shall be distributed among the various counties of the State in the same manner that the State school funds are distributed under the provisions of section 7102 of the Revised Statutes of 1909. As this bill was passed after Senate bill No. 60, it must be regarded as the latest expression of the legislative intent upon this subject. It will doubtless come as a surprise to most of the members of the Legislature to know that they gave their approval, within the course of a few days, to two different and conflicting plans for the distribution of the State road fund. Yet the fact that they did so decreases materially the regard which, under ordinary circumstances, should be given by an executive to the acts of the legislative department.

In view of these facts I deem it advisable that this bill should not now become a law.

Very respectfully,

HERBERT S. HADLEY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1911

From the Journal of the House of Representatives, pp. 1460-1464

CITY OF JEFFERSON, April 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 297, entitled

"An act to amend section 11607, chapter 117, article 13 of the Revised Statutes of Missouri (1909) by striking out

the words 'one and one-quarter dollars,' in line 23 of said section, and insert in lieu thereof the words 'four dollars.' "

It is with regret that I return this bill without my approval. My reason for doing so is that the good faith of the State in the carrying out of an agreement that Senator Oliver, the author of the bill, writes me that he made in reference to it, makes it necessary for me to do so. I feel that the tax upon the gross earnings of express companies should be increased in this State, and, while it is apparent that the tax of four per cent upon gross earnings is too high, I would be disposed to leave that question to the courts, if the question of good faith of the State, through its representatives in the Legislature, was not involved in the consideration of this measure.

This bill was introduced in the Senate by Senator Oliver of Pemiscot county, and was copied from the Kansas law, which provides for a tax of four per cent upon the earnings of express companies. But the provision of the Kansas law providing that the tax shall be levied upon that portion of the earnings of express companies which remain after deducting the amount paid by the express companies to the railroads was not incorporated in this bill. As the amount of revenue of express companies which is paid by them to the railroads amounts to approximately fifty per cent, the tax levied under the Kansas law was accordingly two per cent instead of four per cent. And no state, so far as my information goes, has as yet imposed a tax to exceed two and one-half per cent on the gross earnings of express companies. On these facts being called to the attention of Senator Oliver by Mr. James L. Minnis, the attorney of the Pacific Express Company, Senator Oliver agreed to have the bill, which had by that time passed the Senate, amended in the House, and assured Mr. Minnis that it would not be necessary for him to pay any further attention to the matter, as the amendment would be adopted as a matter of course. Relying upon this assurance from Senator Oliver, Mr. Minnis made no further effort to bring about the amendment of this bill in the House, which passed the bill

as it was passed by the Senate without any amendment being adopted. The record seems to show that Mr. Simmons, who had agreed with Senator Oliver to introduce the amendment, never offered it, although I am advised by Senator Oliver that Mr. Simmons stated to him that the amendment was offered and defeated. My information in reference to this matter is contained in communications received by me from Mr. Minnis and Senator Oliver. In a letter under date of March 29, Mr. Minnis writes:

"The bill, as originally introduced by Senator Oliver, in substance provided that the tax of one one-fourth per cent of the gross earnings of express companies exacted by section 11607, Revised Statutes, 1909, should be increased to five per cent. The bill was amended in the Senate committee by making the tax four per cent in lieu of five per cent.

"I was advised that Senator Oliver's object was to increase the tax on gross receipts of express companies in this State up to the level of the tax imposed by the law of Kansas. The law of Kansas defines the gross earnings of express companies as being the total amount received by them less the amount paid the railroad companies for transportation, and provides that the gross receipts, as thus defined, shall be taxed four per cent. Senator Oliver's bill provides that the express companies shall pay four per cent of the gross amount they receive, but does not provide for deducting the amount paid railroad companies for transportation, which, on an average, amounts, in this State, to fifty-five per cent of the gross receipts of the companies. In other words, Senator Oliver's bill proposed to tax the gross receipts of express companies, less the amount paid railroad companies for transportation, more than eight per cent, instead of four per cent, as provided by the Kansas law.

"It occurred to me that Senator Oliver was acting under a misapprehension, and I sought an interview with him, but owing to his press of business I was disappointed from time to time until Thursday, March 16, when I showed him the Kansas law. Mr. Oliver frankly stated to me that

he had made a mistake, and that he would have the bill amended in the House. I then presented to him information bearing upon the subject, and he asked me if I would advise the express companies to pay two and one-half per cent, provided the bill was amended by inserting two and one-half instead of four per cent. After some argument pro and con, I told him I would advise the companies to pay two and one-half per cent if the bill was amended as he had suggested. He thereupon stated to me that he would have the bill amended in the House by striking out four per cent and inserting two and one-half in lieu thereof.

"I had talked with Speaker Barker and other members of the House on this subject, and had been assured by them that, if the bill contained an error, they would see that it was corrected by amendment. I told Senator Oliver this, and suggested to him that I would ask these parties to assist him in having the bill amended in the House. He stated to me that their assistance would be unnecessary; that he would have no difficulty whatever in having the bill amended; that he would have Mr. Simmons, chairman of the House Committee on Private Corporations and Democratic floor leader of the House, offer the amendment with the statement that the amendment was suggested by the author of the bill; and he assured me that the amendment would be adopted without division and as a matter of form in accordance with the custom of the House in such cases.

"Relying upon Senator Oliver's promise, I stated to Speaker Barker and others the conversation I had had with Senator Oliver, and they stated to me that Senator Oliver would carry out his promise and would have no difficulty whatever in having the bill amended, and that it would not be necessary for them to give the matter any attention whatever. I thereupon left the capital.

"When the bill was reached in the House, no amendment was offered, but the bill was passed.

"I am attaching hereto an original letter I have received from Senator Oliver wherein, you will note, he confirms what I have said, and authorizes me to exhibit the letter

to you. You will note from the letter that Senator Oliver is under the impression that an amendment was offered in the House and defeated; but I examined the records of the House, which disclose that no amendment was offered.

"In addition to the fact that the record discloses no amendment was offered, I have been informed by Mr. A. S. Johnston, whom I employed to forward me bills and to arrange for hearings before committees and to keep me posted, that Mr. Simmons stated to him that Senator Oliver had delivered to him the amendment, and that he had agreed to have the bill amended upon its passing in the House, but when the bill was reached, if it had been amended, it could not have been returned to the Senate in time to have passed that body; that he had no time to consult Senator Oliver, and for that reason did not offer the amendment."

Under date of March 25, 1911, Senator Oliver wrote Mr. Minnis as follows:

"I have just returned from Jefferson City, and I am taking this opportunity to write you further with reference to Senate bill No. 297, increasing the tax on express companies.

"I prepared and sent to Mr. Simmons, who handled the bill in the House, the amendment agreed upon by you and I, fixing the rate at two and one-half per cent, and told him to say in offering the amendment that it was at my suggestion, and that it was with the approval of the author of the bill.

"Some hours later Simmons wrote me a note while I was attending a session of the Senate, saying that he had offered the amendment, but that the House would not adopt it, and that the bill passed as it came from the Senate. I do not know where the opposition came to the amendment, but I do not want you to feel that I violated my agreement with you, and I am willing that you may show this letter to Governor Hadley, or I am willing to write him saying what our agreement was, and that if after going into the matter he believes that the rate is too high, I am

perfectly willing that he veto the bill, and will not raise one single objection to it.

"After going into this matter with you, I was led to believe that four per cent was too high, and therefore consented to the amendment. Had I been able to have gotten away from the Senate, I should have seen those who opposed the amendment when it was offered, and would have so explained my views. I anticipated no trouble in the adoption of the amendment, after Mr. Simmons, who was chairman of the Private Corporation, explained the purpose of it, and after stating that I had prepared and requested him to offer it, which I did.

"While I, of course, did not and could not control the vote of the House members on the amendment, it is always customary that the author's desires be regarded, especially by those who are friendly to the bill. If those who were in favor of an increase in the rate were sincere in their motives, they should have adopted the views expressed in the Simmons amendment. I was told later, by some of the House members, that they did not want to amend it at the last hour, because they thought it would result in the bill being killed, but I personally was willing to take chances on this, and I am now, and yet ready and willing to state to the Governor, the agreement we had, and my purpose in having the amendment offered."

These facts, which are not disputed, show that the bil involved a mistake which the author promised and designec to correct, but was prevented from doing so by Mr. Simmons, who failed to offer the amendment. In a letter from Senator Oliver to Mr. Minnis, under date of March 25, h says: "I presented and sent to Mr. Simmons, who handlec the bill in the House, the amendment agreed upon." Anc in a letter to me, under date of March 25, Senator Olive says: "I agreed with Mr. Minnis that I would prepare a amendment, and ask Mr. Simmons to offer it doubling th present rate and fixing it at two and one-half per cent o the gross earnings. This I did, and Simmons told me h offered it, but that the House would not adopt it. I kep

my agreement with Mr. Minnis, and never thought once that the amendment would fail to pass."

While the State is sadly in need of revenue, and while the tax upon express companies should be increased from the rate now fixed by law in this State, namely, one and one-fourth per cent, I feel that fair dealing on the part of the State requires that the bill should be vetoed.

The bill as originally introduced was evidently based upon a misconception of the provisions of the law of a neighboring state, as was admitted by the author of the bill, who endeavored to correct it. Whether or not Mr. Simmons, who had charge of the bill in the House, did or did not introduce the amendment, and from the facts presented it appears that he did not, the representative of the express companies who would otherwise have made active efforts to present before the committee of the House his side of the matter, had a right, according to a well-established custom of legislative bodies, to rely upon the assurance of Senator Oliver that the bill would be amended.

During this session of the Legislature the public service corporations of the State did not, for the first time in many years, have a lobby to represent them at the State capital. There were general expressions of approval by the people of the State that the old practice of maintaining a lobby to influence legislation had been abandoned, for the reason that the practice had resulted in many scandals and much injustice in General Assemblies in the past. If the practice adopted by the public service corporations is to continue in this State, there must, of necessity, be absolute good faith on the part of the representatives of the people in the Legislature, as on the part of the representatives of the corporations who appear before the committees of the Legislature.

Senator Oliver was the Democratic floor leader in the Senate, and Mr. Simmons was the Democratic floor leader in the House. Such an assurance as was relied upon in this case, coming from these men, would, in accordance with a

well-established practice, be as reliable as any assurance could be, coming from representatives of the State.

In view, therefore, of this regrettable misunderstanding, which has resulted in the passage of this bill in a form which was not intended by the author, and which was in violation of an agreement which he made with the representative of the interests affected, I return the bill without my approval.

Very respectfully,
HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1911

From the Journal of the House of Representatives, pp. 1464-1465

CITY OF JEFFERSON, April 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 695, entitled

"An act to repeal section 3039 of article 1, chapter 33, Revised Statutes of Missouri, 1909, and to enact a new section in lieu thereof."

This bill amends section 3039, R. S. 1909, which provides the manner in which foreign corporations may be admitted to do business in this State, and was enacted as one of a series of bills making more strict the requirements incident to corporations, both domestic and foreign, being admitted to do business in Missouri. While many of the additional provisions contained in this bill are salutary, I am advised by Mr. J. W. Walsh, the corporation clerk in the office of the Secretary of State who passes upon the

applications for charters of domestic corporations, and the applications of foreign corporations to be admitted to do business in the State, that in a large majority of cases it would be difficult, if not impossible, for foreign corporations to be admitted to do business in this State at all under the provisions of this act. As it is not the policy of this State to place extreme or unreasonable conditions upon business corporations seeking the right to do business here, I feel that no useful public purpose will be subserved by permitting this bill to become a law. Particularly is this true in view of the requirements now imposed upon foreign corporations seeking admission here by section 3039, and also by the provisions of section 3343, which provides that "in order to procure such license (that is, license to do business in this State by a foreign corporation), it shall be necessary for the corporation applying therefor to file with the Secretary of State a copy of its articles of association and charter granted by the State or territory under which it is organized. And if it shall appear that such company or corporation could not organize under the laws of this State, license shall be refused."

Consequently, under the provisions of this section, the same requirements as to the organization of corporations are imposed upon foreign corporations as upon domestic corporations. This I regard as a sufficient safeguard for the protection of the interests of the people of this State.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1911

From the Journal of the House of Representatives, p. 1465

CITY OF JEFFERSON, April 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, without my approval, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 701, entitled

"An act to amend section 10340 of chapter 99, Revised Statutes of Missouri of 1909, concerning public printing, by adding certain words thereto."

The object sought to be accomplished by this bill is to place the control of the printing of the Insurance Department, the Courts of Appeal, the Penitentiary and Lincoln Institute, under the jurisdiction of the State Printing Commission. A similar measure was vetoed by Governor Folk in 1907, and the Supreme Court decided that, in State ex rel. Democrat Printing Company v. Vandiver, it was the intention of the Legislature in creating the Insurance Department and providing laws for its conduct that the printing for that department should be done under the direction of the Superintendent of Insurance. I am informed by the Superintendent of Insurance that it is, in his opinion, advisable that the printing for his department should be done under his direction, and as he has requested that this right which has been enjoyed by his predecessors be not now disturbed, I feel that this bill should not receive my approval.

My attention has been called to no abuses in the contracts for State printing for the Courts of Appeal or for the other institutions affected under the law as it now stands. And while, theoretically, it might seem advisable that all

State printing should be done under the direction of one commission, and under the provisions of one contract, I do not feel that the facts presented warrant me in approving a bill which would make such change, particularly when it is objected to by the officials most directly interested.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1911

From the Journal of the House of Representatives, pp. 1466-1471

CITY OF JEFFERSON, April 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit to you herewith House bill No. 1200, with my approval endorsed thereon, except as to the following items, to which I object, and which I return without my approval, for the following reasons:

I object to, and return, without my approval, the item contained in section 11 of said appropriation bill, in the sum of $14,500, for the "pay of laborers and helpers at the State capitol and State power house, including day and night watchman, two firemen, two engineers and five helpers." In 1907 the 44th General Assembly appropriated the sum of $18,500 as a general contingent fund for the purchase of lights, water and fuel for the buildings located at the permanent seat of government, for the improvement of the capitol grounds, and for the payment of the wages of the laborers and helpers at the State capitol and State power house. In 1909, for the care and maintenance of exactly the same plant, the 45th General Assembly appropriated $26,000. And this year the General Assembly increased this appropriation to $35,500. In 1907 and 1908

there were five men regularly employed in this work and three additional during the winter months in the operation of the heating plant. This bill authorizes the employment of eleven men for exactly the same service, except that the destruction of the State capitol decreases considerably the amount of work that has heretofore been required of this force. Practically all the work of caring for the buildings and offices now occupied by the executive officers is done by janitors specially employed for such offices and paid out of their contingent funds. In view of these facts, I feel that all proper expenses for the care and maintenance of the permanent seat of government, including wages of the employes for this purpose, can be paid out of the appropriation of $21,000, available for that purpose, as provided for in sections 12 and 13 of this bill, which is $2,500 in excess of the appropriation for the same purpose in 1907 and 1908.

I object to, and return, without my approval, the item contained in section 25 of said appropriation bill, appropriating the sum of $49,911.92 "to meet the claims which were filed in the State Auditor's office during the years 1907 and 1908, in compliance with an act of the Forty-fourth General Assembly, approved March 30, 1907."

The reasons for my disapproval of this section are as follows: The act of the 44th General Assembly, approved March 30, 1909, referred to in this section, provided that the money in the State road fund should be distributed among the various counties of the State by giving to each county, special road district or city therein, an amount equal to one-half of the cost of permanent road improvements, provided that the amount received by any county should not exceed its proportion of said fund determined by the assessed valuation of its property, and provided further, that it should not exceed five per cent of the entire sum. This act of the 44th General Assembly was re-enacted as a revised law by the 45th General Assembly, with a decrease in the amount to be received by any county from five to three per cent. I am advised that many of the claims

filed by the various counties, road districts and municipalities in the office of the State Auditor, for which this appropriation is made, exceed three per cent of the amount of said sum available for payment this year, or in any of the previous years, since this fund has been in existence. Consequently, this appropriation is in conflict with the provisions of the law which it seeks to make effective. If the act of 1907, which was re-enacted in 1909, providing State aid for the various counties, cities and special road districts in the construction of permanent roads, is to be of value in the accomplishment of that result, it must be enforced in such a way that this aid will be general. If special appropriations in violation of the provisions of the act itself are to be made, then the act is rendered null and void, and the assistance sought to be secured by the various counties in the State under this law is, of course, rendered impossible. It is also my opinion that such appropriations as are provided for by this section, are unconstitutional, because in conflict with article IV, section 46 of the Constitution, which prohibits the State Legislature from making any "grant of public money or thing of value to any individual, municipal or other corporation whatsoever." If the Legislature is to be permitted to make such special appropriations for the assistance of the various municipalities and road districts of the various counties of the State in carrying on public works, this advisable provision of the Constitution will no longer obtain as a safeguard for the expenditure of public funds.

These claims can, in my opinion, be allowed and paid under the provisions of the act of 1907, as revised in 1909, and under the provisions of an appropriation as made by section 69 of this bill. Under the provisions of these acts, each county, city or special road district which has presented claims for its proportionate allowance from the State can receive its proportionate share of this fund under the provisions of the act of 1909.

I object to, and return, without my approval, the item of said appropriation bill contained in section 25a, appro-

priating the sum of $96,333.17, "to meet the claims in the State Auditor's office in compliance with an act of the Forty-fourth General Assembly, approved March 30, 1907," for the same reasons stated in my veto of section 25 of this bill.

I object to, and return, without my approval, the item contained in said appropriation bill, appropriating out of the "road fund" arising from the sale of stamps by the State Auditor, under the provisions of an act of the 44th General Assembly, the sum of $500,000, to be distributed and apportioned among the various counties of the State and the city of St. Louis, upon the same basis as the school funds are now distributed under the provisions of section 7102, R. S. Mo., 1909. The reasons for my disapproval of this item are as follows: Under the act of the 44th General Assembly, approved March 7, 1909, there was levied a tax upon transactions in futures which should constitute a good roads fund, and it was provided in said act that the fund thus created should be distributed among the various counties of the State in the same manner in which the State school funds are distributed. The same Legislature passed a general act creating a general State road fund, which should consist of "all moneys accruing to the State from any general or special levy of taxes for road purposes, or from any other source whatever, or derived in any way for the improvement or construction of public roads." This was approved upon the 30th of March, 1907, and was afterwards re-enacted as a revised law in 1909. It is my opinion that under the provisions of the act of 1909, pages 768-9-70, Session Acts, 1909, the moneys derived from the sale of stamps to be placed upon all transactions in futures should go, as does the fund derived from the tax upon automobile licenses, into the "general State road fund," and said fund shall be distributed as provided for in said act of 1909.

If I am correct in my opinion in this matter, this act undertakes to repeal the provisions of the act of 1909, to which it in no way refers, and which is not mentioned in the

title of this bill. That such was not the intention of the members of the Legislature is further evidenced by the fact that the bill providing for another and different method of distributing the "general State road fund" was provided for by Senate bill No. 60, which was passed at the same time that this bill received legislative approval. I think it advisable that the fund derived from the tax upon the licenses of automobiles and the sale of stamps, and a tax upon future transactions, should go into and constitute the "general State road fund" under the provisions of the act of 1909, and that said fund should be apportioned among the various counties of the State, the city and special road districts therein, as provided for in the act.

I object to, and return without my approval, the item of said appropriation bill contained in section 82, appropriating the sum of $5,000 "to be set apart and known as the 'wolf bounty fund,' for the payment of bounties on wolf scalps for the year 1907, and subsequent years." I am not impressed with the public necessity or advisability of the State paying a bounty upon wolf scalps. I do not deem this method effective for ridding the State of wolves or of rendering it more attractive as a place in which to live. If the Legislature would make adequate provisions for bringing to the attention of the people of other states the undeveloped resources and opportunities for making investments and for building homes in this State, there would be no necessity for an appropriation for the bounty upon wolf scalps; for the best way to get the wolves out, in my judgment, is to bring the people in. In fact, the existence of such a bounty might encourage the industry of raising wolves for the purpose of receiving bounties. The last appropriation for this purpose was made in 1907, and a larger portion of this appropriation was paid to people living in Jackson county than to any other county in the State. As I am personally familiar with the conditions existing in that county, I am satisfied that its people do not desire any further State assistance to encourage the destruction of wolves. That work is being effectively accomplished through the rapid

increase of population therein. This item, therefore, has my disapproval.

I object to, and return, without my approval, the item of said appropriation bill contained in section 83, appropriating the sum of $522.00 "for the relief of John H. Murphy for services as clerk of the St. Louis Court of Appeals, for loss of salary caused by an act of the General Assembly at its last session, which put the office on a salary basis." The reasons for my disapproval of this item, are as follows: This claim for loss of salary is occasioned by the fact that the clerk of the St. Louis Court of Appeals received fees of that office instead of the salary provided by law from the time that the act of the 45th General Assembly, placing this office on a salary basis, went into effect, until October 1, 1909. As there was, in my opinion, no justification for such a construction being placed upon this act, and as my information is that through the receipt of fees during this period and the receipt of salary thereafter, there was given to that official a larger amount of money than he would have received had the act fixing his salary been complied with from the time it really became effective, I do not feel that he should receive this additional compensation from the State.

I object to, and return without my approval, the item of said appropriation bill contained in section 84s, appropriating the sum of five thousand dollars for the purpose of paying the salary and traveling expense of an inspector of safety appliances. In view of the fact that the bill creating the inspector of safety appliances failed to receive the approval of the Legislature, there is no necessity for this appropriation.

In returning House bill No. 1200, with my approval, except such items as I have specially disapproved, there are certain statements with reference to other items of this bill that I wish to make a matter of public record.

In section 62 of the appropriations for the support of the office of the Game and Fish Commissioner, there is a proviso, as follows: "Provided, that none of the money

herein appropriated in this section shall be available or paid so long as the present State Game and Fish Commissioner remains in this office or is in anywise connected with the office of State Game and Fish Commissioner, except the salaries and accounts due at the time of the approval of this act." In approving this bill I do not wish to be understood as giving my assent or approval to this proviso. I regard it as unconstitutional, because an unwarranted interference by the legislative with the executive department. The act of 1909, creating the office of State Game and Fish Commissioner, gave to the Governor the right to appoint that officer without the advice or consent of either branch of the General Assembly, and he was also given the right to remove him for cause. If the Legislature is to be permitted to say who shall not hold that office, it would logically follow that it would have the right to say who should hold the office, and it could thus exercise the same power, in effect, in so far as every State officer is concerned, the conduct of whose department and the performance of whose duties are dependent upon an appropriation by the State Legislature. In the proper division of the powers of government between the executive, the legislative and the judicial, I am satisfied that it was not the intention of the framers of the Constitution to give to one department the right to thus unwarrentedly interfere with the powers and the duties of another.

The same reasons apply, in practical effect, to the provisions of section 10 and section 63, by the provisions of which an effort is made to compel the State Waterway Commission to appoint one John H. Nolen as special agent of that commission, and to provide therein his compensation, and make an appropriation for his printing and other expenses. This is a converse of the unwarrented legislative usurpation of authority attempted in section 62. In one section an attempt is made to legislate a public official out of office, and in another to legislate one into office. The proviso in section 66, to the effect that no part of the money appropriated for the support of the State Board of Pharmacy "shall be used to pay attorneys' fees," is, also, in my opinion,

an unwarranted interference with executive officers. Under the act of 1909, creating the State Board of Pharmacy, provision was made for the creation of a fund for the support of that board, and it was also provided in said act that the board should have the right to employ attorneys to assist in the performance of its proper duties. This section of this appropriation bill undertakes to amend the act of 1909. The act of 1909 is not referred to in the title of this bill, and the purpose sought to be accomplished by this proviso upon this section is in no way indicated by the title. Such a method of repealing powers conferred upon executive boards is not only unconstitutional, but inadvisable and unfair. If the Legislature, to accomplish a personal or partisan purpose of any of its members, is to be permitted to direct the expenditure of public funds in a manner contrary to the provisions of the law creating a public office, it should have the courage to legally amend the law that it seeks to repeal.

There are included in this bill, particularly in section 84, a large number of special claims for the relief of various persons, and particularly for the relief of sheriffs, deputy sheriffs and constables who have gone to other states to secure the return of fugitives to this State for trial, and whose claims have not been allowed on account of some legal defects therein. These items ought not to be in this bill. The bill is an act to appropriate money for the support of the State government and the payment of the contingent and incidental expenses of the various State departments for the years 1911 and 1912. All of these claims, and a number of others contained in different items, are deficiency appropriations. They ought to have been in the deficiency bill, or have been made the subject of special relief appropriations. Were it not that injustice might be done to many persons who have just claims against the State, for which money is thus appropriated, I would disapprove of all of these items. I have endeavored to secure information as to the justice of these various claims, but as they are not on file in the office of the State Auditor, I

have not been able to secure satisfactory information, except with reference to a few. In view of the fact, however, that I have been assured by the State Auditor that he will closely examine each of these claims when it is presented and allow none except those which are proper and just charges against the State, I have decided not to disapprove of these items, although they are improperly included within this bill, and the practice of thus making appropriations is one which is of doubtful legality and deserving of criticism.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1911

From the Journal of the House of Representatives, pp. 1471-1472

CITY OF JEFFERSON, April 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit to you herewith House bill No. 1223, with my approval endorsed thereon, except as to the following items, to which I object, and which I return without my approval, for the following reasons:

I object to, and return without my approval, the item of said appropriation bill contained in section 13a, appropriating the sum of $1,319.28 for the Hugh Stephens Printing Company for discounts "for printing for which the previous appropriations were insufficient or exhausted."

This appropriation is to pay interest to the Hugh Stephens Printing Company, which has the contract for State printing, on account of the delay in the payment of accounts for State printing done for the various State departments. This printing was done under the provisions

of a contract between the Hugh Stephens Printing Company and the State Printing Commission, under which the printing company was to be paid an amount therein fixed for such printing. Under the provisions of our statute, the fiscal year ends upon the first of January, and from that time until the appropriations made by the Legislature become effective, which is usually the latter part of April or the first of May, many claims cannot be paid. It also often happens, as in this case, that the amount appropriated for certain purposes is not sufficient to pay the expense intended thereby to be provided for. No provision is made by the contract with this printing company for any interest on deferred payments, and as the payments from the State, as well as from the National Government, and political subdivisions of the State are usually more or less delayed in the ordinary conduct of public business, I feel that it would be establishing an inadvisable, and, possibly a dangerous precedent to begin the allowance of interest to persons with claims against the State when not paid promptly on demand. This printing company has made its present contract after years of experience in the handling of this public work, and if a claim for interest on account of deferred payments was to have been asked for, it should have been provided for in the contract. If such claim is to be allowed in this instance, it should, in fairness, be allowed to all firms and all individuals who do not receive from the State payment for work done or materials furnished promptly when due.

I object to, and return without my approval, the item of said appropriation bill contained in section 34, appropriating the sum of $610.87 for the "John 'OBrien Boiler Works Company, interest," for the reasons given in my veto of the item of $1,319.28 for the Hugh Stephens Printing Company, in section 13a of said appropriation bill.

Very respectfully,

HERBERT S. HADLEY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

APRIL 19, 1911

From the Journal of the House of Representatives, pp. 1472-1474

CITY OF JEFFERSON, April 19, 1911.

To the Secretary of State:

Sir—I have the honor to transmit to you herewith House bill No. 1224, with my approval endorsed thereon, except as to the following items, to which I object, and which I return without my approval, for the following reasons:

In section 2, I object to, and return without my approval, the following items of said appropriation bill:

St. Louis & San Francisco R. R. Co	$131.96
Chicago, Rock Island & Pacific Ry. Co	239.69
Missouri Pacific Ry. Co	1,900.39
Union Pacific Ry. Co	3,130.88
Missouri, Kansas & Texas Ry. Co	258.46

In answer to a request for an explanation of these items, under date of April 8, 1911, I received the following communication from F. M. Rumbold, Adjutant General of the State:

"Regarding the deficiency bill for $5,661.38 (constituting these items), the facts in the case are as follows: In 1908 the Governor of Missouri was notified by the War Department that a certain fixed sum of money had been assigned to Missouri for the payment of expenses of Missouri troops at the maneuver camp at Fort Riley, Kansas. At the same time the Secretary of War wrote to Governor Folk asking him to send as many additional troops, above an allotted number, as possible, and stated that the expense of same could be paid from funds allotted to Missouri under the provisions of section 1661, Revised Statutes, as forwarded by the Adjutant General, the Comptroller of the

Treasury ruled against the War Department, and after the Legislature had adjourned in 1909, the bills were sent by the War Department to the State for payment. An attempt was made by the War Department to have a special bill passed covering these expenses."

In the absence of a showing that this appropriation will not be made by the National Congress, I do not feel that this expense should be paid by the State. It was incurred by Governor Folk upon the assurance of the War Department that it would be paid by the National Government, and I feel confident that through the efforts of the War Department and of the railroad companies interested, the fairness of this claim for allowance by a special act of Congress will result in such a bill being passed. At all events, I feel that the State ought not to be required to pay it until some further effort is made in that direction.

In section 8, I object to, and return without my approval, the following item of said appropriation bill: "For services of architect in power house, etc., the sum of one thousand one hundred and ninety dollars ($1,190.00) as follows: H. H. Hohenschield, $1,190.00."

This appropriation is for payment of a claim of H. H. Hohenschield for five per cent architect's commission on "the construction of a power house, tunnel and conduits and the installation of heating, power and electric light plant at the State Sanatorium for the Treatment of Incipient Tuberculosis." Under the law establishing this institution it was provided that an architect should be employed who should receive a salary of not to exceed $200 a month. Notwithstanding this provision, the board seems to have entered into some contract with Mr. Hohenschield for his services as architect for a commission for the cost of the construction of the institution. The amount of this commission is a subject of controversy between the members of the board, Mr. W. L. Gupton of Montgomery county, secretary of the board, and Mr. Craig, a member of the last General Assembly, who was one of the original members of the board, contending that the compensation was not to

exceed four per cent of the cost of the buildings. Notwithstanding this controversy between the board, an order was made in 1909 undertaking to pay this claim out of the support fund for the institution. This was discovered and objected to by me, and a portion of the claim, which had been received by Mr. Hohenschield, was refunded to the State.' While I do not undertake to say that Mr. Hohenschield is not entitled to some compensation for his services rendered in this regard, yet a five per cent commission for the services of an architect in superintending the digging of conduits, the building of a power house and the installation of the machinery for a heating, power and electric light plant, impresses me as unreasonably high. And in view of the excess of appropriations over available revenues, I feel that a claim which is the subject of controversy among the members of the board who had charge of the construction of this work should await payment until the amount of such claim can be definitely agreed upon by all the parties interested therein, and until there is a better condition existing in the State's finances.

Very respectfully,

HERBERT S. HADLEY,
Governor.

SPECIAL MESSAGES

TO THE SENATE

JANUARY 11, 1909

From the Journal of the Senate, p. 21

January 11, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Frank Blake of Kansas City to the office of Pardon Attorney to the Governor, to hold for a term of two years from January 9, 1909.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 16, 1909

From the Journal of the Senate, p. 21

January 16, 1909.

To the Senate:

I have the honor to advise that under the authority of an act of the 44th General Assembly of the State of Missouri, approved March 18, 1907, I have this day, by and with the advice and consent of the Senate, appointed John E. Swanger of Milan, Missouri, to the office of Bank Commissioner, to hold for a term of four years from January 16, 1909.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 1, 1909

From the Journal of the Senate, p. 21

February 1, 1909.

To the President of the Senate:

I wish to call your attention to the fact that upon the 16th day of January I appointed John E. Swanger to the position of Bank Commissioner, but on account of the fact that the determination of the question as to who was elected Lieutenant-Governor has prevented the transaction of business by the Senate, this appointment could not be acted upon. Since the 15th of January this State has had no inspection of State banks, and I, therefore, urge upon you that you give to this appointment as prompt and as speedy consideration as is consistent with the business of the Senate.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 3, 1909

From the Journal of the Senate, p. 54

February 3, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Doctor E. B. Clemens of Macon, as a member of the Board of Managers of State Hospital No. 1, Fulton, for a term ending February 1, 1913, vice Doctor J. C. Nunn.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 3, 1909

From the Journal of the Senate, p. 54

February 3, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Samuel T. Sharp of Montgomery City as a member of the Board of Managers of State Hospital No. 1, Fulton, for a term ending February 1, 1913, vice Wm. R. Million.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 3, 1909

From the Journal of the Senate, p. 54

February 3, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Robert R. Buckner of Auxvasse, as a member of the Board of Managers of State Hospital No. 1, Fulton, for a term ending February 1, 1913, vice Thos. F. Murry.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 3, 1909

From the Journal of the Senate, p. 55

February 3, 1909.

To the President of the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed John C. McKinley of Unionville, as member of the Board of Regents of the First District Normal School at Kirksville, vice Reuben Barney, to hold for the term of six years from January 1, 1909.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 3, 1909

From the Journal of the Senate, p. 55

February 3, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Curtis B. Rollins, as Curator of the State University, for a term ending January 1, 1911, in the place of Walter Williams, who resigned on July 1, 1908.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 3, 1909

From the Journal of the Senate, p. 55

February 3, 1909.

To the President of the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Dr. J. A. Waterman of Breckenridge, Missouri, to the office of Physician at the penitentiary, to hold for a term ending on the third Monday in January, 1913.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 4, 1909

From the Journal of the Senate, p. 73

February 4, 1909.

To the President of the Senate:

I have the honor to advise that I hereby withdraw the appointment of E. W. Dunavant of Fulton, heretofore appointed as member of the Board of Managers of the Missouri School for the Deaf, for a term ending February 1, 1911, vice John P. Gordon, resigned.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 5, 1909

From the Journal of the Senate, p. 73

February 5, 1909.

To the President of the Senate:

I have the honor to advise that I hereby withdraw from the consideration of the Senate the name of Ernest Marshall of Windom, St. Louis county, heretofore appointed to the office of Beer Inspector for the term ending August 31, 1911.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 6, 1909

From the Journal of the Senate, p. 74

February 6, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Henry L. McCune of Kansas City, as a member of the Board of Charities and Corrections for a term of six years from January 1, 1909, vice J. R. Moorehead.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 6, 1909

From the Journal of the Senate, p. 74

February 6, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Miss Mary E. Perry of St. Louis, to succeed herself as a member of the Board of Charities and Corrections, for a term of six years from January 1, 1909.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 6, 1909

From the Journal of the Senate, p. 74

February 6, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed T. L. Rubey of Lebanon, to succeed himself as a member of the Board of Regents of the Fourth District Normal School at Springfield, for a term of six years from January 1, 1909.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 6, 1909

From the Journal of the Senate, p. 74

February 6, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed E. E. E. McJimsey of Springfield, as a member of the Board of Regents of the Fourth District Normal School at Springfield, for a term of six years from January 1, 1909, vice A. H. Rogers.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 6, 1909

From the Journal of the Senate, p. 75

February 6, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed T. S. Mosby of Jefferson City, as a member of the Board of Regents of Lincoln Institute, for a term of six years from January 1, 1909, vice D. C. McClung.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 6, 1909

From the Journal of the Senate, p. 75

February 6, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed Moses Whybark of Marble Hill, to succeed himself as a member of the Board of Regents of the Third District Normal School at Cape Girardeau, for a term of six years from January 1, 1909.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 9, 1909

From the Journal of the Senate, p. 91

February 9, 1909.

To the President of the Senate:

On February 5th, I withdrew from your consideration the appointment of Ernest Marshall as Beer Inspector, in order that I might make an investigation as to the legality and advisability of his appointment.

I took this action by reason of information that he did not possess the statutory qualifications for the position; that he had not furnished a bond, as required by law; that he had spent considerable time looking after property in another State, where he had announced his intention to move as soon as the question of his confirmation was determined. While I am satisfied from my investigation

that this information was, at least partly true, I am assured by Mr. Marshall that he has had the actual experience necessary to enable him to qualify under the statute; that his absence from the State was with the knowledge of the Governor; that his failure to furnish bond was through the neglect of a bond company, and not through his own, and that he does not intend to leave the State.

In view of these assurances, I do not feel that I would be justified in withdrawing this appointment, or further withholding the same from the consideration of the Senate. I, therefore, re-submit it to you for your consideration and such action as you may think advisable.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 11, 1909

From the Journal of the Senate, p. 121

February 11, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. E. C. Grim of Kirksville, as member of the Board of Regents of the First District Normal School at Kirksville, vice G. A. Goben, to hold for the term of six years from January 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 11, 1909

From the Journal of the Senate, p. 121

February 11, 1909.

To the Senate:

I have the honor to advise that I herewith resubmit for your consideration the vacation appointment of E. W. Dunavant of Fulton, as member of the Board of Managers of the Missouri School for the Deaf, which was withdrawn by my communication of February 4, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 11, 1909

From the Journal of the Senate, p. 122

February 11, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed J. J. Newcome of Fulton, as member of the Board of Managers of the Missouri School for the Deaf at Fulton, vice James H. Parker, to hold for the term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 11, 1909

From the Journal of the Senate, p. 122

February 11, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed F. W. Niedemeyer of Columbia, as member of the Board of Managers of the Missouri School for the Deaf at Fulton, vice William K. Kavanaugh, to hold for the term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 11, 1909

From the Journal of the Senate, p. 122

February 11, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Edwin M. Taubman of Lexington, as member of the Board of Managers of the Missouri School for the Deaf at Fulton, vice William R. Painter, to hold for the term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 15, 1909

From the Journal of the Senate, p. 120

February 15, 1909.

To the Senate:

I have the honor to advise that I have this day, by a with the advice and consent of the Senate, appointed Da W. Hill of Poplar Bluff, as member of the Board of Rege of the Third District Normal School at Cape Girarde vice E. P. Caruthers, to hold for a term of six years fr January 1, 1909.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 15, 1909

From the Journal of the Senate, p. 121

February 15, 1909.

To the Senate:

I have the honor to advise that I have this day, by a with the advice and consent of the Senate, appointed Jo Kennish of Mound City, to the office of Superintendent the Insurance Department for the term of four years beg ning March 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 15, 1909

From the Journal of the Senate, p. 121

February 15, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the consent of the Senate, appointed W. F. Chamberlain of Hannibal, as member of the Board of Regents of Lincoln Institute, vice Hugh K. Rea, to hold for a term of six years from January 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 15, 1909

From the Journal of the Senate, p. 121

February 15, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Charles F. Vogel of St. Louis, as member of the Board of Trustees of the Federal Soldiers' Home at St. James, vice H. E. Warren, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1909

From the Journal of the Senate, pp. 129-130

To the Senate and House of Representatives of the Forty-fifth General Assembly of the State of Missouri:

There will come before the General Assembly for adoption a joint and concurrent resolution for the admission of the University of Missouri into the rights and privileges of the "Carnegie Foundation for the Advancement of Teaching."

The Board of Curators of the University of Missouri, on January 20, 1909, adopted a resolution making application to the Trustees of this Fund for the admission of the University of Missouri into the rights and privileges thereby provided for. In order that this application may be favorably acted upon by the Trustees of this Fund, it is necessary that a joint and concurrent resolution should be adopted by the Legislature, and that said application should also receive the approval of the Governor.

In order that this matter may be understood by the members of the General Assembly, I beg to advise you that the "Carnegie Foundation for the Advancement of Teaching" consists of a fund established by Andrew Carnegie for the pensioning of teachers in the higher educational institutions of the country. Through the creation of this fund its disposition and management have been entirely withdrawn from the control of the donor. The Board of Trustees of this Fund is in absolute control, and is at liberty to adopt whatever policy it pleases. This complete independence of action is established by the fact that the "Carnegie Foundation" is a corporate body, it being the intention of the donor of the Fund, as well as those in charge of it, to create a condition so that there can be no chance for influence by anybody interested therein.

The membership of the Board of Trustees includes some of the ablest and leading educators of the country, such as Eliot of Harvard, Wilson of Princeton and Shurman of Cornell, and their active interest in this work is an assurance that it will be so conducted as to protect the freedom and liberty of our educational institutions and dignify the profession of teaching by increasing the attractiveness of this profession to men of ambition and ability. The allowances provided for by this "Foundation" are in the nature of a pension for teachers who have reached the age of sixty-five years and have taught in a college or university for fifteen years which is among the institutions admitted to participate in this fund. Such teacher, on retiring, receives a pension for life of $1,000, and $50.00 for every $100.00 that the salary he is then receiving exceeds $1,200. If one has taught twenty-five years, he may receive the benefits of the "Foundation" without reference to his age, except that the retiring amount in such case is smaller than in the first case.

The University of Missouri satisfies all the requirements for participation in the benefits of this "Foundation" as soon as its application has received the approval of the General Assembly and of myself. When that action is taken, the teachers in this institution become participants in this fund as a matter of right. When an individual teacher reaches the necessary age limit and has taught the required number of years, he automatically becomes a participant in this "Foundation," but his connection with the University must then cease. I am advised that a number of leading State Universities of the country, as well as a number of the State Universities of contiguous states, have made application and been accorded the right to participate in the privileges of the "Foundation," and if the State of Missouri is not to pursue the same course with reference to its University, it is at once apparent that we will be at a great disadvantage in securing strong teachers. The only other course left open for us would be to provide pensions for professors in the Missouri State University, or

make a considerable increase in their salaries. Either course would add greatly to the expenses incident to the conduct of the State University. It, therefore, seems to me advisable that the application of our State University to be admitted to participate in the rights and privileges of this "Foundation Fund" should receive the approval of the General Assembly.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1909

From the Journal of the House of Representatives, pp. 197-199

To the Senate and House of Representatives of the Forty-fifth General Assembly of the State of Missouri:

I transmit herewith for your consideration a report of the Board of Election Commissioners of the city of St. Louis, made to my predecessor in office, Joseph W. Folk, on the 31st day of December, 1908, concerning the election held in the city of St. Louis on November 3, 1908, and the registration and revision preceding the same. In this report the Board of Election Commissioners gives a clear and comprehensive account of the work done by the election officials of the city of St. Louis in connection with the registration and the general election. The Board also offers a number of suggestions for amendments to the present election laws, which are well deserving of your careful consideration. These recommendations are largely embodied in a report made by the Board of Election Commissioners to the Governor concerning the election held in St. Louis on November 6, 1906, which included a draft of a proposed act providing for the suggested amendments to the election laws.

I, therefore, submit both of these reports to you in order that you may have this information in the consideration of legislation for amendments to the election laws applicable to the city of St. Louis.

In this connection, I also wish to call your attention to a recommendation that I made in my inaugural address, that the election laws for Kansas City and St. Louis be amended so as to provide for bi-partisan boards instead of partisan boards. No question can be of greater importance in a republican form of government than that of honest elections. For, unless we have honest elections, we do not have a republican form of government at all. A bi-partisan board is in itself both an inspiration and a necessity to fairness. This has been demonstrated to be true in the work of the General Assembly in the investigation and determination of the question as to who was elected Lieutenant-Governor. The objection that is sometimes offered that a bi-partisan board is inadvisable, in that it prevents prompt and definite decisions being made, has not been proven to be true in actual experience. The judges and clerks of elections are now equally divided between the two leading political parties and the same reasons exist as to why the Boards of Election Commissioners should be equally divided between the two political parties.

I also submit to you herewith a report made on the 9th day of February, 1909, by the Board of Election Commissioners of the city of St. Louis, in reference to certain charges of fraudulent registration that were recently made by the grand jury in the city of St. Louis. From this report, it is evident that the charges made by the grand jury that there were six thousand fraudulent names upon the registration books of the city of St. Louis was an estimate based upon an examination of the registration list in eleven out of twenty-eight wards.

In these eleven wards, the grand jury was of the opinion that it had discovered 1,828 fraudulent names upon the registration books. As is shown by the report made by the Election Commissioners, the grand jury was clearly in

error in this statement. On a conservative estimate, it is clear that there cannot be more than three hundred of the names included in the grand jury list which are fraudulent. While the manifest inaccuracy of this grand jury report emphasizes the necessity of care and conservation in the making of charges as to fraud and dishonesty in connection with elections, it also demonstrates the truth of the proposition that there cannot be too close a scrutiny and examination of all the proceedings incident to the conduct of elections. A dishonest vote cast in the city of St. Louis is of as much injury and concern to the people of the entire State as it is to the people of that municipality. And in case the members of this General Assembly have reasonable grounds to believe that the registration lists of the city of St. Louis are padded, or that the election had not been fairly conducted in any regard, there would be occasion for such investigation and legislation as would correct and prevent a continuation of such abuses.

Following the last general election in the city of St. Louis, so far as I know, there were no claims made by the press or representatives of either political party of that city that there had been any substantial fraud in the conduct of the election except in the vote for the nomination of United States Senator. A recount of the ballots in the city of St. Louis by the Joint Committee of this General Assembly demonstrated, I think, that the election in St. Louis was, on the whole, fairly conducted. On the 24th day of January the terms of the present election commissioners of that city expired. But in view of the fact that a general municipal election is to be held in the city of St. Louis in the month of April, and in view of the fact that the appointments for judges and clerks to fill vacancies have to be made prior to February 18th, the day fixed by law for supplemental registration, I had announced my intention of making no changes in the present Board of Election Commissioners, although the Board now consists of two Democrats and one Republican. Some objection has been offered to my action in this regard by representatives of

both parties. The principal objection presented has been that there were fraudulent names upon the registration lists and that the judges and clerks of election, in certain precincts, were not members of the political party which they were appointed to represent. I have already given you what information I have bearing upon the question as to whether there are fraudulent names upon the registration lists. I have also made an investigation as to whether the other charges [*sic.*] in reference to the judges and clerks of election is well founded in fact, with the result that I am satisfied that it is equally lacking in justification. In certain precincts of what is known as the "River wards," in the city of St. Louis, it is sometimes difficult to secure reliable and capable men to serve as judges and clerks of election. While it is entirely true that the judges and clerks of election should belong to the political party they are appointed to represent, it is also true that it is of more importance to have honest and intelligent men serve in this capacity than it is to have those whose partisanship is established by the fact that they have never scratched a ticket.

It is my opinion that the election laws of both Kansas City and St. Louis should be amended so as to permit the Board of Election Commissioners to select, under certain circumstances, the judges and clerks of election who do not reside in the ward or precinct where they are appointed to serve. Such an amendment would make much easier the task of the Board of Election Commissioners in these cities in securing competent and reliable men to serve as judges and clerks of election.

In connection with the complaint last referred to, I herewith submit to you a letter that I have this day sent to the Board of Election Commissioners of the city of St. Louis, asking that this matter be carefully investigated.

February 16, 1909.

To the Board of Election Commissioners, St. Louis, Mo.:

Dear Sirs—As you have doubtless noticed by the newspapers, I have announced my intention of making no changes in the present Board of Election Commissioners in the city of St. Louis until after the April election. I take this action by reason of the fact that so far as I have been able to learn, the general election that was conducted in St. Louis under your direction last November was satisfactory to all parties, and no substantial complaint of any irregularities therein has been brought to my attention. It was, therefore, my opinion that you were, by reason of your knowledge and experience in these matters, better qualified to fairly and efficiently conduct the city election to be held in St. Louis in April than any board that I could now select. Since announcing my intention in this regard, complaint has been made to me by representatives of both political parties that a grand jury report had been made charging that there were over 6,000 fraudulent names upon the registration books of the city of St. Louis, and that men had been appointed as judges and clerks of election to represent one political party, when, in fact, they belonged to another. The report that you have submitted to me in reference to the grand jury charges of fraudulent registration seems to me to completely answer and discredit the correctness of the assertion. And I have the assurance of one of your Representatives that the other charge is equally unfounded. I wish, however, that you would make a careful investigation in reference to this matter. A judge or a clerk of election appointed as a Democrat, should be a Democrat; a judge or a clerk of election appointed as a Republican should be a Republican. Our election machinery is founded upon the theory that through the representation of both political parties in equal numbers upon the boards of election, unfairness or dishonesty will be prevented and the proper conduct of the election safeguarded. This provision of the

law, however, does not mean that only those men should be selected to represent the two political parties who have never scratched a ticket. Such a construction of the law would place a premium upon ignorance and partisanship and discriminate against the good citizen. I request, however, that you give this matter further investigation, and if in any instance, you find that this charge is well founded in fact, that you make such changes in the personnel of the judges and clerks of election as will result in a fair and reasonable compliance with the provisions of the election laws.

Very truly yours,

HERBERT S. HADLEY,
Governor.

All of this information is submitted to you in view of the fact that I have been advised that it is the intention of the Senate to conduct an investigation as to the matters herein referred to. I am very glad, indeed, to have this investigation made, if, in the opinion of the members of either house of the General Assembly any useful purpose would be subserved thereby. I have deemed it, however, my duty to give you all the information in my possession relating to these matters in order that you can the more intelligently and fairly determine as to whether any real justification or occasion exists for the members of the General Assembly to devote their time to the investigation of these matters. In case either house of the General Assembly should deem it advisable to conduct such an investigation, I will see that all representatives of the executive department who are responsible in any way to me for the manner in which they discharge their official duties, give all possible assistance in such investigation. For, I repeat again what I have had occasion heretofore to say to the members of this General Assembly, that an election unfairly or dishonestly conducted in any regard is, to my mind, intolerable and abhorrent, and I hope to see established during

the next four years such a standard of honest efficiency in the conduct of elections throughout this State that their results will no longer be open to suspicion.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1909

From the Journal of the Senate, pp. 151-153

To the Senate and House of Representatives of the Forty-fifth General Assembly:

I herewith submit to you, for your consideration, the report of H. A. Buehler, State Geologist, on the work of the Bureau of Geology and Mines for the years 1907-1908.

In submitting to you this report, there are certain facts in connection with the work of this Bureau to which I wish to call your attention, for the reason that further legislation and more liberal appropriations are necessary to increase its effectiveness and usefulness.

Under the laws of the State this Bureau is charged with the duty of investigating the mineral resources of the State, both for scientific and economic purposes.

No useful purpose is to be subserved in maintaining this Bureau, unless a sufficient appropriation is made to prosecute the work in a way that will be of value to the people of the State. There is no state in the Union that has greater or more diversified mineral resources than the State of Missouri, and not only the development, but also the conservation of these resources depends upon the intelligent and scientific manner in which these resources are prospected and surveyed by those competent to conduct

the work. The work is too vast to expect private capital to accomplish it in a way that would be either advisable or beneficial.

The report shows the useful work that has been accomplished during the last biennial period by this Bureau, particularly in the investigations that have been conducted and publications made upon the following subjects: "Public Roads," "Lime and Cement Resources of Missouri," "Geology of Morgan County," "Geology of Pike County," "Geology of Disseminated Lead Districts of St. Francois County," a new geological map of the State, indicating the location of outlying areas in which coal, lead, zinc and other mineral deposits are to be found. In addition to this work, the Bureau has in the course of preparation a report on "The General Geology of Missouri," which will be of both economic and educational value. The report further discloses that much has been done in the geological mapping of the different parts of the State, the making of drill records and topographical mapping in connection with the United States Geological survey, and in the furnishing of information to all persons requesting the same, for either business or educational purposes. There is, however, much work of importance that remains to be done by this Bureau.

COAL

There are coal measures underlying, approximately, 25,000 square miles of territory in this State, but little detailed investigation has been made of these deposits, and no accurate information is available as to what portion can be profitably worked. In 1897 this Bureau published a preliminary report upon this subject, but that report has long since been exhausted and is now out of print.

In 1907, the value of the coal product in this State was $7,306,125. This production could not only be greatly increased, but the effectiveness with which the different deposits could be worked will be greatly advanced by an accurate scientific survey.

OIL AND GAS

At the present time, Missouri produces practically no oil and gas, although there is no industry in which the people of this State are more interested and which is of more importance from a business standpoint. Past investigations by the Bureau of Geology and Mines have established that:

There exist in the northwest portion of the State geological conditions for the production of oil and gas, but it would require a further investigation to determine whether there exists the structures necessary for the retention of these deposits.

During the last two years wells have been drilled by private parties in Phelps, Benton, St. Charles, Knox and Harrison counties, in most all of which no geological conditions exist which would warrant the belief that oil or gas will be discovered therein. Thus it is at once apparent that by a proper scientific investigation the wasteful expenditure of much capital could be avioided, and also a great industry might be developed which would be of inestimable value to the people of Missouri.

LEAD AND ZINC

In 1907 Missouri stood first among the states of the Union in the production of lead and zinc, and both of these industries have been extensively developed in the southeast and southwest portions of the State; the combined production of that ore amounting in 1907 to approximately $19,000.00. It is however, important that there should be a continuation of the investigation of these deposits beyond the present known areas, and it is of equal, if not of greater importance, that further work should be done by this Bureau in the investigation of the methods of mining and concentration whereby the present enormous waste of nearly 50 per cent, of lead and character of these deposits.

IRON ORE

Although there are forty-eight counties in the State in which workable deposits of iron ore are to be found, Missouri is not now an important producer of iron. A conservative estimate of the iron ore in the State is, approximately, one hundred million tons, but no reliable information is to be obtained as to the location and character of these deposits.

BARITE

Although Missouri is one of the largest producers of barites among the states in the Union, the producing areas have never been mapped, and at the present time, there is no available information relating to the geological or geographical distribution of this mineral resource. This industry could doubtless be very greatly increased by scientific investigation by this Bureau.

In addition to these investigations, which the Bureau has in contemplation, much work remains to be done in investigating the water power available for commercial purposes, and in surveying and definitely locating the clay and other non-metallic resources which are contiguous to the large cities of the State and therefore, available for business purposes.

No investigations have been made by this Bureau in reference to the deposits of cobalt, nickel copper, tripoli and glass sand, although it is known that all of these are to be found in the State.

In addition to this work, it is important that provision should be made for a proper exhibit under the direction of the Bureau of the mineral resources of the State at the State Fair; and that there should also be distributed among the schools of the State such publications and mineral specimens as may be of value for educational purposes.

It is the estimate of the State Geologist that $60,000 will be necessary for proper prosecution of this work; $35,000 for the support of the bureau, $5,000 for printing, and

$20,000 for topographical work. It is my opinion that this amount can be profitably used by this bureau for this work and I urge upon you that you give to this subject your careful consideration in order that the proper development and conservation of these great natural resources may be accomplished. While much has been accomplished in the past in the development of these resources, more remains to be done. And when it is considered that, in the last analysis, all wealth is derived from the field and the mine, the proper investigation of the mineral resources, and the proper direction of the development and conservation, becomes a question of importance to every citizen.

FURTHER LEGISLATION

Under the provisions of the present statutes, the Governor of the State appoints four mining inspectors, whose duties are to investigate the condition of the mines and see that proper provisions are made for the protection of the lives, the health and safety of the miners, and make reports as to the mineral resources and production. In the past the appointment of these mine inspectors has been largely made along political lines, and the value of this work has been very much decreased by the lack of efficient and scientific work upon the part of these officials. The work of these officers is naturally in connection with the work of the Bureau of Geology and Mines, and, in my opinion, the Bureau of Geology and Mines, or State Geologist, should be given the right to appoint these inspectors and supervise the performance of their duties.

Further, the mine owners of the State should be required to pay a reasonable fee for the inspection of their mines.

This inspection is of value to the mine owners, as well as to the mine workers. No good reason can be suggested why the bankers of the State, for instance, should be required to pay a fee for the inspection of the banks and the mine owners be exempt from any charge for the inspection

of their mines. It is estimated, by those familiar with the mining industry of the State, that a reasonable inspection fee, graduated according to the size of the mine and the number of men employed therein, would probably produce sufficient revenue to pay the salaries of these inspectors. A bill will be introduced providing for these suggested changes in our law, and, in my opinion, this bill, or some other bill accomplishing the general results herein recommended, should be adopted.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 19, 1909

From the Journal of the Senate, p. 176

February 19, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr William P. Cutler of Kansas City to the office of Dairy and Food Commissioner of the State of Missouri, to hold for a term of four years from the first day of February, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES.

FEBRUARY 19, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate and House of Representatives of the Forty fifth General Assembly of the State of Missouri:

Our present Constitution, which was adopted in 1875 provides, article IV, section 41, "within five years afte

the adoption of this Constitution all the statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated in such manner as the General Assembly shall direct, and a like revision, digest and promulgation shall be made at the expiration of every subsequent period of ten years."

In compliance with this provision of our Constitution, the statutes of the State were revised in 1879, and at the expiration of each ten years thereafter. Each of these revisions was made by the Legislature without expert assistance, and each was largely based upon the prior revision. The classification of subjects in each revision was alphabetical, and each revision was published in two volumes, the last publication requiring volumes of such size as to be cumbersome and difficult to handle. The work of revising the statutes on each of these occasions was done through a revision committee and the regular standing committees of the Legislature.

In 1889, the work of revision was not completed at the expiration of the one hundred and twenty-day legislative period, although bills revising practically the entire statute law had been considered and passed by the Senate.

In 1899, the work of revision was also uncompleted at the expiration of the legislative period, and a committee was provided for by the Legislature which, after its adjournment, had charge of the compilation, editing and publishing of the statutes. It is thus apparent that on neither of these occasions was the constitutional provision strictly complied with, as the statutes promulgated were partly compiled and partly revised. At none of these revision sessions did the Legislature have the assistance of any members of the bar of the State, or of any person skilled by study and experience in the work of revising, classifying, compiling and indexing statutory laws. It is no injustice to the many able and experienced lawyers and legislators who participated in the work of revising the statutes in these three revision sessions, to say that their work was not entirely satisfactory and has failed to receive the approval of the bar of the State.

This dissatisfaction with these three revisions of our statutes, and particularly of the last two, has been due not so much to any imperfections in the writing of the revised laws and in the form of the revised acts, as it has been on account of the inartificial and unsatisfactory classification of subjects and the imperfect indexing of the statutes. To illustrate, in the revision of 1899, "Animals" is the heading of chapter 69, while the chapter itself provided for restraining animals running at large; while chapter 163, which is headed "Strays" relates to the very same subject. The heading of chapter 88 is "Cattle" and of chapter 101 "Drovers," although the subject matter of each of these statutes is naturally related to the other. Other examples of the lack of proper classification in the revision of 1899 are to be found in the fact that under chapter 171, headed "University—State," are to be found nineteen sections relating to the State Veterinary Surgeon, although such officer is appointed by the State Board of Agriculture and has no official or actual connection with the State University at all. Under chapter 168, headed "Township Organization," are to be found two sections relating to the work of the county boards of equalization, subjects which are incongruous. And in chapter 149, under the heading of "Revenue" is to be found substantially the same provision relating to county boards of equalization as is found under chapter 168 relating to township organization. Such examples could be multiplied almost indefinitely. They all serve to demonstrate the truth of the assertion that the principal defect with these statutory revisions has been in the lack of proper classification and digesting of our statutory laws and in the imperfect manner in which they have been indexed.

It is manifest to one even limitedly familiar with the subject that work of this character can be much more effectively, satisfactorily and cheaply done by one who has had technical experience and training in such work than it can be done by experienced legislators or lawyers of high ability who lack such technical knowledge and experience. In short, the work of classifying, compiling, editing, annotat-

ing and indexing statutory laws is the science of bookmaking, and to these subjects men devote years of training and study who are employed by the leading publishing houses of the country to carry on this work. I, therefore, deem it advisable, and recommend to this General Assembly, that through the revision committee it secure the services of someone who has had technical and expert experience in this work. If this is done, I believe the work of revision can be satisfactorily and successfully accomplished at the expiration of the one hundred and twenty day period of this session.

The plan has been proposed that this Legislature select a special revision committee which shall conduct this work of revising and digesting the statute laws of the State, and that the work of this committee be submitted next fall to a special session of the Legislature called for this purpose. As a part of this proposed plan, it has been suggested that this session of the Legislature devote itself to the general work of legislation and conclude its labors within ninety days. I do not approve of this plan. In the first place, the provision of the Constitution heretofore referred to contains a mandatory direction that this session of the Legislature "shall revise, digest and promulgate the general laws of the State." The same conditions which make difficult the work of revision at this session would exist at any special session that might be called. For a special session could not be restricted in its work by the call convening it to the consideration of revised bills. The call would have to designate the subject-matter of legislation to be dealt with, and those subjects would have to include the entire statute law of the State. Further, such a plan would greatly increase the expenses of this work, and while I do not believe that the work of revision should be sacrificed upon considerations of economy alone, I do believe that this work should be done in the most economical manner possible.

In 1899 a committee of fourteen, selected by the General Assembly, to complete the work of revision and com-

pilation, after the adjournment of the Legislature, incurred an expense for their services, clerk hire and miscellaneous expense of $21,999.70, and the further cost of the publication of the statutes of that year amounted to $46,000, making a total expense of $68,000, without counting any of the expenses incident to the session of the Legislature itself. After giving this matter considerable investigation and consideration, and after discussing it with the leading members of both parties in both branches of the Legislature, it seems to me advisable to adopt the plan which has been proposed by a sub-committee of the revision committee. This plan provides for the employment of someone skilled in the work of compiling, classifying, indexing and annotating public statutes, to assist the revision committee and the standing committees of each house in their labors. It also provides for the General Assembly, by joint resolution, fixing a date after which no bills shall be introduced, except revised bills, and the fixing of a date after which no bills shall be considered except revised bills. This plan is, in my opinion, a very advisable one, as it would enable the Legislature to make the laws passed at this session a part of the revised laws of the State. It ought to result in securing what we have never had before, a proper arrangement, classification and indexing of the statutes. It would, of course, be necessary to pay, and pay well, for the services of an expert bookmaker to do the work required. But in a matter of this kind, requiring technical knowledge and experience, it is usually the wisest course to secure the best talent available for such work.

It is important, however, that the members of the General Assembly should understand that even if such expert assistance is secured, the important work of revision must be done by the standing committees of the Senate and House. And it is important, if this work is to be accomplished within the statutory period of this session, that this work of preparing the revised bills should be begun at once by the different committees of the Senate and the House. In this work the committees of the Senate and

the House can cooperate to an advantage and should also avail themselves of the assistance of the bar of the State and the various State officers, particularly of the Attorney-General who is, by law, the legal adviser of the Legislature. By proceeding in this way, I am satisfied that many of the bills now introduced and pending in the Legislature can be moulded into the revised bills, or the objects sought to be accomplished thereby can be embodied in such revised measures.

The benefit of a satisfactory revision of the statutes is one that would be enjoyed by the people of the State as a whole, because a knowledge of the law, which is essential to its observance, depends upon the ease and readiness with which the laws are available for the information of the public, as well as the lawyers and the courts. The elimination of unconstitutional and conflicting provisions of the statutes, the making certain of ambiguous provisions, the proper classification of subjects and the intelligent arrangement and indexing of the laws will be of help to the courts in the decision of cases and to lawyers in advising their clients, and thus indirectly to every citizen.

The State Bar Association, local bar associations and the State Conference of Judges have all adopted resolutions relating to this subject, and I am satisfied that it is the general sense of the bar of the State, as well as of the judiciary, that this work of revision should be accomplished along the lines herein suggested. It would, however, be entirely advisable and necessary for the General Assembly to provide for a joint committee which would, after the adjournment of the Legislature, supervise and complete the work of publication and indexing, as well as annotating the statutes, for this work can be more satisfactorily and effectively done by an expert employed for that purpose, under the directions of this committee, after the adjournment of the Legislature, than it could be done during the session.

I respectfully submit these suggestions for your consideration, and I wish to again direct your attention to

the fact that, under the Constitution, the paramount duty of this General Assembly in the work of legislation is to be found in the "revising, digesting and promulgating of the general laws of the State." The success or the failure of the work of this General Assembly, in which the Executive Department must necessarily share, will be largely judged by the success or failure with which this work of revision is accomplished. And if this work can be successfully and satisfactorily done, there can be no question but that you will receive, as you deserve to receive, the approval of the people of the State.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 191

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed W. E. Clark of Nevada, as member of the Board of Managers of State Hospital No. 3, at Nevada, vice S. A. Wight, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 191

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed W. G. Pendleton of Boonville, as member of the Board of Managers of the Missouri Training School for Boys, vice Peyton L. Hurt, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 191

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed John M. Williams of California, as member of the Board of Managers of the Missouri Training School for Boys, vice D. E. Wray, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 191

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. L. J. Schofield of Warrensburg, as a member of the Board of Regents of Normal School District No. 2, at Warrensburg, vice James I. Anderson, to hold for a term of six years from January 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 191

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Howard Gray of Carthage, as member of the Board of Managers of State Hospital No. 3 at Nevada, vice J. A. Daugherty, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 208

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed W. C. Pierce of Maryville, as member of the Board of Managers for State Hospital for Insane No. 2, at St. Joseph, vice E. M. Miller, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 208

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Henry M. Beardsley of Kansas City, as member of the Board of Managers of State Hospital for Insane No. 2, at St. Joseph, vice P. E. Field, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 208

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. Jacob Geiger of St. Joseph, as member of the Board of Managers for State Hospital for Insane No. 2, at St. Joseph, vice Samuel G. Gilliam, to hold for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1909

From the Journal of the Senate, p. 208

February 23, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Henry Andrae of Jefferson City, as Warden of the State Penitentiary, to hold for a term beginning April 1, 1909, and ending on the third Monday in January, 1913.

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1909

From the Journal of the Senate, pp. 212-213

To the Senate and House of Representatives of the Forty-fifth General Assembly of the State of Missouri:

The Forty-fourth General Assembly, in the general appropriation law enacted two years ago, appropriated the sum of $10,000 to make preliminary arrangements for an exhibit of Missouri's resources at what is known as the Alaska-Yukon-Pacific Exposition, to be held at Seattle during the course of the summer of 1909. Acting under the authority of this appropriation, my predecessor, Joseph W. Folk, appointed a commissioner to attend to the work of collecting an exhibit for the State of Missouri at this exposition, and to make the preliminary arrangements necessary therefor. Only $1,595.26 of the $10,000 appropriated was expended, as the balance was not available through lack of revenue. The question now comes before this General Assembly as to whether it will make an appropriation to provide for an adequate exhibit of Missouri's resources at this exposition, and if it decides so to do, whether it shall construct a building for that purpose. Two plans have been suggested for the exhibition of Missouri's resources at this exposition. One involves the renting of space in buildings constructed by the exposition company, and the renting of a house as headquarters for Missouri's visitors in Seattle. The other would include the construction of a Missouri building and the collection of such an exhibit of Missouri's resources therein as might seem advisable. It has been estimated that an additional sum of $40,000 would be required to make an adequate exhibit including the cost of a building, while less than half of that amount would probably be required in case the other plan was adopted.

In determining as to what course should be pursued in this matter, the members of the General Assembly should consider the importance of the trade that is enjoyed by business interests of Missouri with the people of the Northwest.

The three states of Washington, Montana and Oregon bought of the people of Missouri in a single year goods amounting to $15,000,000, and Seattle alone bought from three Missouri cities in a single year manufactured goods amounting to $4,300,000. If Missouri is to continue to secure her share of trade with this section of the country, it is, in my opinion, important and advisable that we should be properly represented at this exposition.

I am informed that the Federal government has appropriated $600,000 for national buildings and for government exhibits at Seattle, and the state of Washington has appropriated $1,000,000 for the same purpose. Oregon has appropriated $100,000; California, $100,000; Pennsylvania, $75,000; Nebraska, $15,000; Utah, $20,000, and I am also advised that New York, Massachusetts, Rhode Island, Mississippi, Minnesota and other states will make appropriations to provide suitable exhibits of their resources at this exposition. It is estimated that the cost of this exposition will be $10,000,000, and its primary purpose is to exhibit the resources, developed and undeveloped, of the Western section of our country, and to emphasize the increasing importance of the trade between this country and the Orient.

The officials in charge of the exposition have designated August 3rd as Missouri Day. In case an appropriation is to be made for this exposition, it is my opinion that there should be a commission of not more than three persons who would have charge of the work necessary to collecting and exhibiting proper specimens of Missouri's resources.

Missouri appropriated for the Pan-American Exposition at Buffalo, $50,000; for the Lewis and Clarke Exposition at Portland, Oregon, $45,000; for the exposition at Jamestown,

Virginia, $55,000; and for the Louisiana Purchase Exposition at St. Louis by vote of the people, $1,000,000 was made available.

An early decision should be reached as to what action is to be taken by the State of Missouri in this matter; the exposition will open on June 1st and if the General Assembly delays until the close of its session before taking any action in the matter, it will then be too late to construct a building or to secure an adequate and creditable exhibit of Missouri's resources.

In the determination of this question, it is also important to consider that the pioneer settlers in this section of the country, the men who blazed the pathway of travel and of commerce westward from the Mississippi to the Pacific, who wrote the constitutions and the statutes, who developed the latent resources and who established the commercial greatness of the states of the Northwest, were for the most part, Missourians. And it was Thomas H. Benton, who for thirty years represented this State in the United States Senate, who first directed the attention of the country to the importance not only of the development of our western country, but also of its trade with the Orient.

For the reasons herein stated, I feel that Missouri should be represented at this exposition, and if we are to be represented at all, it is, in my opinion, advisable that we should be represented in a manner commensurate with the greatness of our State.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 25, 1909

From the Journal of the Senate, p. 234

February 25, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Henry S. Caulfield of St. Louis, to the office of Excise Commissioner of the City of St. Louis, for a term beginning April 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 26, 1909

From the Journal of the Senate, pp. 259-260

To the Senate of the Forty-fifth General Assembly:

I am in receipt of a communication from the Secretary of the Senate containing a copy of your resolution "calling my attention" to certain facts in reference to the appointment of James L. Carlisle as one of the Election Commissioners of the City of St. Louis.

While I am responsible to the people of Missouri alone for the manner in which I perform my official duties, and do not recognize or concede any right in your Honorable body to ask for any explanation of my action in this matter, I am not disposed to have any controversy over a mere academic question or to deal otherwise than with complete fairness and frankness with all departments of the State government. I, therefore, submit to you the following

statement of facts as to the present situation and the action I have taken in reference thereto:

Mr. Carlisle was appointed, as stated in your resolution, by Governor Folk to fill a vacancy in the Board of Election Commissioners for a term ending January 15, 1909. The Legislature convened upon the 6th day of January, 1909, and upon that day, under the provision of the statutes, Mr. Carlisle's name should have been "submitted to the Senate by the Governor for confirmation." I was under the impression that this action had been taken until after the first of February, when I was informed to the contrary. I was surprised to learn that the Senate did not, between the 6th and the 11th of January, call the attention of Governor Folk to his failure to submit this appointment for confirmation. As I did not know until after the first of February that this appointment had not been submitted by my predecessor for confirmation, I have some question as to whether I now have the right to submit, or the Senate to confirm, the appointment after the expiration of the term for which the appointment was made. There is also a question as to whether, without the confirmation of the Senate, one appointed to fill a vacancy during vacation holds over after the expiration of the term for which he was appointed. I, therefore, deem it advisable to submit these questions to the Attorney-General, who is the legal adviser of both the Legislature and the Governor, and to be guided by his opinion. I have, therefore, this day directed the following inquiry to the Attorney-General:

"February 26, 1909.

Hon. Ellictt W. Major, Attorney-General, City of Jefferson:

Dear Sir: I am today in receipt of the enclosed resolution adopted by the State Senate, which is self-explanatory. The facts upon which this resolution was based are as follows:

Governor Folk appointed James L. Carlisle member of the Board of Election Commissioners in St. Louis to fill a

vacancy in a term ending January 15, 1909. The laws of the State provide that vacation appointments shall be submitted to the Senate for confirmation upon the convening of the Legislature. For some reason Governor Folk did not submit Mr. Carlisle's name for confirmation and his failure to do so was not brought to his attention by a resolution of the Senate, and this fact was not brought to my attention until after the first of February. In view of these facts, I request that you give me your official opinion upon the following questions:

First. Have I the right at this time to submit the vacation appointment of Mr. Carlisle, and has the Senate the right to confirm the same after the expiration of the term for which he was appointed?

Second. If I have not the right to do so, is Mr. Carlisle a legal officer, or is he holding his office 'without warrant of law?'

Third. Notwithstanding the failure of Governor Folk to submit this appointment for confirmation, is Mr. Carlisle, under the provisions of Article V, Section 11 of the Constitution, entitled to hold this office until his successor is duly appointed and qualified?

Very truly yours,

HERBERT S. HADLEY,
Governor."

As soon as I receive the opinion of the Attorney-General, I will take such action thereon as may be proper in the premises.

I wish to assure you that I fully realize the importance of having an efficient performance of official duties, as I also realize that it is important that the offices of the State should be filled only by those who are legally qualified to exercise the duties thereof. And in this connection, I also beg to advise you that I have deemed it advisable not to appoint the successors of the present Election Commissioners of the City of St. Louis, although that Board at present consists

of two Democrats and one Republican, while I would have the right to appoint two Republicans and one Democrat. I decided on this course by reason of the fact that, so far as I was advised, the general election conducted in the City of St. Louis last fall, under the direction of the present Board of Election Commissioners, met with the entire approval of the general public, as there was no claim that any fraud was committed therein. And a recount of the votes made by the Joint Committee of this General Assembly on the office of Lieutenant-Governor demonstrated that the election had been fairly and honestly conducted.

As the city election is to be held in the City of St. Louis in the early part of April, and as the work preliminary thereto is now being conducted, I was of the opinion that the present Board could more satisfactorily and efficiently perform the duties of this important office in connection with the city election than any Board whom I might select, inexperienced and unacquainted as the members would necessarily be with their official duties.

I bring these facts to your attention in order that you may understand the reasons why I have not submitted for your consideration the successors to the present Board of Election Commissioners in the City of St. Louis.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 1, 1909

From the Journal of the Senate, p. 271

March 1, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed

Robert B. Middlebrook of Kansas City, to the office of Police Commissioner, vice A. E. Gallagher, to fill the balance of a term expiring February 9, 1911.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 1, 1909

From the Journal of the Senate, p. 271

March 1, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Thomas R. Marks of Kansas City, to the office of Police Commissioner, vice Elliott H. Jones, to fill the balance of a term expiring February 9, 1911.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 1, 1909

From the Journal of the Senate, p. 271

March 1, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Henry Kortjohn, Jr., of St. Louis, as member of the Board of Election Commissioners of the City of St. Louis, vice James L. Carlisle, to hold for a term of four years from January 15, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 1, 1909

From the Journal of the Senate, pp. 271-274

March 1, 1909.

To the Senate:

In accordance with the opinion of the Attorney-General, a copy of which I herewith submit for your consideration, there exists a vacancy in the office of Election Commissioner of the City of St. Louis. I have this day submitted for your consideration the appointment of Henry Kortjohn, Jr. As the present occupant of that office, James L. Carlisle, is, in the opinion of the Attorney-General, not authorized to exercise the duties thereof, I request that you give to the appointment of Mr. Kortjohn as prompt consideration as may be consistent with your other duties, in order that this important position may not, on the approach of a city election, be unoccupied.

In this connection, I also beg to call your attention to the fact that I have this day submitted for your consideration for the position of Police Commissioners in Kansas City, the names of Robert B. Middlebrook and Thomas R. Marks as successors of Andrew E. Gallagher and Elliott H. Jones. Both Mr. Jones and Mr. Gallagher were appointed to these positions by Governor Folk during vacation, but he did not submit their names, as required by law, for the consideration of the Senate. Therefore, under the opinion of the Attorney-General, as I understand it, Mr. Jones and Mr. Gallagher are holding the office of Police Commissioners of Kansas City, and have been holding the same since the 6th of January, 1909, illegally and "without warrant of law."

I, therefore, request that you pass upon these appointments as promptly as may be consistent with your other

duties in order that these important offices may be filled by those who are authorized to perform the duties thereof.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 1, 1909

From the Journal of the Senate, p. 274

March 1, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed H. W. Meuschke of Sedalia, as member of the Board of Managers of State Hospital No. 3 at Nevada, vice R. M. Kemp, for a term of four years from February 1, 1909.

HERBERT S. HADLEY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 4, 1909

From the Journal of the House of Representatives, p. 425

WASHINGTON, D. C., March 4, 1909.

Hon. A. A. Speer, Speaker, House of Representatives, Jefferson City, Mo.:

In accordance with your resolution, I have conveyed to President Taft the hearty congratulations, good will and God speed of the House of Representatives, Forty-fifth General Assembly.

HERBERT S. HADLEY.

TO THE SENATE

MARCH 10, 1909

From the Journal of the Senate, p. 438

March 10, 1909

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Reuben F. Roy of New London, as member of the Board of Regents of Lincoln Institute, vice E. S. Wilson, resigned, to fill the balance of a term expiring January 1, 1913.

HERBERT S. HADLEY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 10, 1909

From the Journal of the House of Representatives, p. 504

OFFICE OF THE GOVERNOR, STATE OF MISSOURI, CITY OF JEFFERSON,
March 10, 1909.

To the House of Representatives:

I transmit to you herewith a letter from President William H. Taft, which I have just received in response to the congratulations of your honorable body, which I had the honor to convey to him upon March 3rd.

HERBERT S. HADLEY,
Governor.

THE WHITE HOUSE, WASHINGTON
March 8, 1909.

My Dear Governor Hadley:

I am just now in receipt of yours of March 3rd in which you convey to me the hearty congratulations, good will and

God speed of the House of Representatives of Missouri, accompanied with your own. I thank you sincerely for your kindness and courtesy in this matter, and beg you to say, in my name, to the members of the House of Representatives of Missouri how much I value their expressions of good will and their sympathy and support.

Very sincerely yours,

WM. H. TAFT.

Hon. Herbert S. Hadley, Governor of Missouri,
Jefferson City, Mo.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 15, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate and House of Representatives of the 45th General Assembly of the State of Missouri:

A number of bills changing the revenue and taxation laws of the State are now pending in the 45th General Assembly. These bills are among the most important that will come before the General Assembly during this session, and the disposition that will be made of them is a question that will affect the welfare of the State and of every citizen. In order that government may exist, it is necessary that taxes should be imposed, and in order that injustice may not be done, it is necessary that the burdens of taxation should be adjusted fairly and equally upon all citizens and all classes of property. That there is a necessity for additional revenue in this State is recognized by all who are familiar with the financial affairs of the State government. During the last biennial period, there was an excess of appropriations over revenue to the amount of approximately one and a half million dollars, and the various

departments of government and the various State institutions which failed to receive the amounts appropriated for them in the last biennial period, are asking that those amounts be appropriated for them in this biennial period. The result is that the estimated amount of revenue necessary to carry on the affairs of government during the present biennial period is approximately eleven millions of dollars, while the probable revenues that will be received by the State will amount to approximately eight millions of dollars. We are, therefore, confronted with the necessity of increasing the revenues of the State or decreasing the expenditures of the State. While it is entirely true that it is of the highest importance that the affairs of government should be conducted with the greatest economy possible, I am unable to say that any of the estimates made by any one of the departments of government are in excess of the actual needs of that department. And it is, in my opinion, a mistaken and a misguided policy to deny to any department of government the means necessary to enable it to accomplish the full measure of its activity and usefulness.

There are certain opinions and conclusions that I have formed, after a careful investigation of the questions presented by this situation, which I wish to submit for your consideration.

The present sources of revenue in this State consist of a general property tax of fifteen cents on the one hundred dollars valuation for State purposes; a tax upon the business of insurance companies, express companies and building and loan associations, dramshop licenses and other license fees for privileges which the State confers. In addition to these sources of revenue, there is a tax of five per cent upon collateral inheritances, which has, by special act, gone to the support of the State University. The need for more revenue to carry on the affairs of government should not be confused with the question of subjecting to taxation property either tangible or intangible, which now escapes taxation. When any new source of revenue or new subject of taxation is suggested, the argument is immediately advanced by those

upon whom such a tax would fall, that under the present system a large portion of the personal property of the State, such as moneys, bonds, bills, notes and credits escape taxation, and that the real and personal property that is subjected to taxation is not assessed at its full value, as required by the statutes of the State. Both of these charges are unquestionably true, but this fact is no argument as to why certain privileges or franchises that the State confers, and which are of value to those who enjoy them, should not be subjected to taxation, in case they are now exempt. I regard it as of the highest importance that our revenue laws should be so amended as to secure a more complete return of all personal property in the State for the purposes of taxation, and in order to accomplish that result, the State Board of Equalization has drawn and has recommended to the General Assembly the enactment of a law which, in my opinion, will accomplish this result. With all, or practically all, of the real and personal property of the State returned for the purposes of taxation, there can be no charge of discrimination if the assessment of such property is increased beyond that percentage of its actual value which now generally obtains throughout the State. If the proposed law would bring about the desired and expected result, it is probable that sufficient revenue would be secured to meet all reasonable demands for carrying on the affairs of government. But even if this result was secured, it would still be the duty of this General Assembly to subject to taxation all franchises and privileges which the State confers upon its citizens and which are now exempt from taxation. For it is both the right and the duty of the State to tax intangible property, such as franchises and privileges enjoyed by the individual, as it is its right to tax tangible property, such as personalty and realty. And if by increasing the sources or subjects of taxation, and by requiring a complete return, for the purposes of taxation, of all real and personal property, the revenues of the State would be increased beyond the necessary requirements to meet the expenses of government, then the tax rate for State purposes could be reduced, or the

State could entirely abandon or reduce to a minimum the rate for State purposes. If this result could be brought about, there would thereby be accomplished, in my opinion, a most desirable condition in our system of taxation.

One of the principal sources or subjects of taxation which has been considered by this General Assembly, as well as many of its predecessors, is a license tax upon the capital stock of corporations. The imposition of such a license tax was recommended by my predecessors, Governor Alexander M. Dockery and Governor Joseph W. Folk, and it was also recommended to the General Assembly by the Special Tax Commission in 1903, composed of former Supreme Judge William M. Williams, Hon. Peyton Parks and former Attorney-General Edward C. Crow. In view of the fact that the members of this Commission rank among the leading lawyers of the State, as well as special students of the subject of taxation, this recommendation is of importance and significance.

In order that the justice and fairness of such a tax may be understood, it is important to know that when individuals secure from the State the right to do business in the form of a corporation, they thereby receive the franchise and privilege of corporate existence, which the law recognizes as of value, because it confers special privileges and immunities upon those who have secured it. There are two franchises in connection with a corporation which the law recognizes: One the "franchise of corporate existence," and the other "the franchise of user." Thus, when individuals secure from the state the right to do business in the form of a corporation, they secure thereby the "franchise of corporate existence," and when they secure from the State, or one of its subdivisions, some special privilege, such as the right to operate a street railway along city street, they secure the "franchise of user." Under our present laws "the franchise of user" is subject to and bears its just burden of taxation, while "the franchise of corporate existence" is not taxed at all. This works a discrimination against the public service corporations, which enjoy the "franchise of user." No

reasonable argument can, in my opinion, be offered as to why the "franchise of corporate existence" should not be subjected to taxation as is the "franchise of user." It has been contended by some that to impose a license tax upon the capital stock of corporations would be double taxation. But this is not true. It is not proposed to impose a tax upon the property of the corporation, but as a charge for the privilege or franchise of being a corporation. I am of the opinion that a tax of twenty-five cents on each one thousand dollars of capitalization would be a most reasonable and just tax. Such a tax, I am advised, is not opposed by the business interests of the State on account of the financial burden that would thereby be imposed, but on account of the fear that subsequent Legislatures would unjustly increase this tax. If it is right and proper that such a tax as this should be imposed, it is not only the right, but the duty, of this General Assembly to pass a law to accomplish that result, and I feel that the business interests of the State can safely trust to future Legislatures and executives not to unreasonably or unfairly increase this burden. Such a tax has not only been recommended by the various public officials in this State, as heretofore explained, but is generally favored by taxation experts throughout the country, and exists today in a large number, if not in a majority, of the states of the Union. And in many of the states the tax imposed is one dollar instead of twenty-five cents on every one thousand dollars of capitalization. While I agree with those members of this General Assembly who contend for such changes in our laws as will secure a more complete return of the real and personal property of the State for the purpose of taxation, I am at a loss to understand why they should refuse to subject this franchise and privilege to its just burden of taxation, particularly when it is considered that it is generally enjoyed by those who are amply able to pay.

There will also come before this General Assembly the question as to whether there should be imposed a tax upon direct inheritances, as there is now imposed a tax upon collateral inheritances. I believe in the justice and fairness

of an inheritance tax, and I believe that this State should now proceed to levy a small ad valorem tax upon direct inheritances. The right to an inheritance is not a natural right which the individual enjoys, but a privilege which the law confers. Without statute law, all property would, upon the death of the owner, go to the State. But the State has conferred upon certain persons the right to receive and enjoy property to whose creation they have contributed but slightly, if at all. A tax of five per cent is now imposed upon collateral inheritances, and, in my opinion, a tax of, at least, two per cent should be imposed upon direct inheritances, and all of the money thus raised should be turned into the general revenue fund.

It is also important from another standpoint that this inheritance tax should be imposed by the states. The National Government is confronted with the necessity of securing more revenue, and both President Roosevelt and President Taft have recommended to the National Congress that it impose a graduated tax upon direct and collateral inheritances. I feel that this source or subject of taxation does not belong to the National Government, but belongs to the several states. The property which the individual owns and which goes at his death to his descendants, is protected by state laws and is transmitted under state laws. The National Government has other special sources or subjects of taxation of which it can avail itself, which are not open to the State. But unless the states act promptly in this matter, we are likely to find that the National Government has appropriated this source or subject of taxation, and it will thereby become unavailable to the states to which it naturally and rightfully belongs. A tax upon inheritances, collateral or direct, is now imposed by thirty-four states.

In addition to these two sources or subjects of taxation, I feel that there should also be enacted into laws bills now pending before you imposing a license tax upon wholesale and retail dealers in intoxicating liquors, other than dramshops, including clubs and voluntary associations. Such a

law is not only necessary and advisable from the standpoint of securing additional revenue, subjecting to taxation franchises and privileges which now escape taxation, but it is also advisable and necessary from the standpoint of regulating the conduct of the liquor traffic.

A license tax could also be fairly imposed by the State upon wholesale and retail tobacco dealers, and upon owners of automobiles.

There are also bills pending before the General Assembly imposing a tax for the inspection of spirituous liquors. I know of no reason why such a tax should not be imposed upon spirituous liquors, as the State now receives about $841,000 in revenue each biennial period as a tax for the inspection of malt liquors. Unless some good reason can be offered for this discrimination, those engaged in the manufacture and sale of spirituous liquors should be required to contribute their proper proportion of the expenses of government by paying a tax for the inspection of spirituous liquors.

A bill has also been introduced in this General Assembly doing away with the present system for the inspection of kerosene and gasoline. Under the provisions of the present law, the coal oil inspectors are appointed in the various counties and cities of the State, but only one, the inspector in the City of St. Louis, turns into the State Treasury any revenue as the result of charges imposed for this inspection. There are approximately two hundred coal oil inspectors in the State who receive from $300 to $7,000 a year as fees for the performance of their duties, and the State secures no return from these inspection charges, and the inspection itself is of little or no protection to the people. I strongly recommend that this present farcial system be discontinued, and that the bill now pending before you, providing for a State Coal Oil Inspector, and a sufficient number of deputies to enable him to perform his duties, be enacted into law, so that gasoline, as well as kerosene, may be subjected to a proper and reasonable inspection, and that the State may also derive from this source its proper return in the way of inspection fees.

I hope that these different measures may be given a careful consideration, not only on the merits of the propositions involved, but also with regard for the imperative necessity of more revenue to carry on the affairs of government. And I feel confident that if all, or any considerable number, of the measures herein advocated, are enacted into laws that we will not only secure adequate revenue for the State Government, but also distribute more equitably than at present the burdens of taxation.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 17, 1909

From the Journal of the Senate, p. 578

March 17, 1909.

To the Senate:

I have the honor to advise that I hereby withdraw from the consideration of the Senate the name of Henry M. Beardsley of Kansas City, heretofore appointed as member of the Board of Managers of State Hospital No. 2 at St. Joseph, for the reason that he has declined to serve.

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 29, 1909

From the Journal of the Senate, pp. 764-765

To the Members of the Senate and House of Representatives of the Forty-fifth General Assembly:

I have the honor to transmit to you herewith a copy of a resolution adopted by the State Board of Equalization, in

reference to the question of the assessment and return of property for the purposes of taxation. Under the present system for the assessment of real and personal property, a marked disparity exists in the percentage of actual value in the different counties of the State, and a large amount of personal property, such as money, bonds, bills and notes, is not returned for the purposes of taxation. The difficulty incident to increasing the valuation of that property which is assessed is increased by the fact that a large amount of this class of personal property escapes taxation. If all the property in the State, real and personal, was returned or assessed for the purposes of taxation, then no reasonable objection could be offered to any percentage on the actual value which might be made the basis of taxation.

The State Board of Equalization assisted in the prepation of Senate Bill No. 535 and House Bill No. 924, and it is the unanimous opinion of this board that these bills would do much towards the correction of the existing evils in the present system of assessing and taxing real and personal property. It is not the purpose of these measures to change in any regard the existing law in reference to the percentage of the actual value of the real and personal property which shall be taken as a basis of taxation. The real object the bill seeks to accomplish is to secure a complete return of all property for the purposes of taxation. And if this result can be accomplished, then the difficulties incident to the question of taxation, as well as the question of revenue, will be to a large extent corrected.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

RESOLUTION

Whereas, From the experience and investigation of the members of the State Board of Equalization, it has been found that marked disparity exists in the assessment of real and personal property in the different counties of the State,

the equalization of which is difficult or impossible by the members of this board; and

Whereas, This disparity in the assessed value of real and personal property, is, to a certain extent, due to the fact, that under our present system of taxation a considerable portion of the personal property of the State, such as money, notes, credits, bonds, stocks, etc., are not returned for the purposes of taxation; therefore, be it

Resolved, That we recommend to the 45th General Assembly the enactment of a law which will secure a more complete return of such property for the purposes of taxation; and, be it further

Resolved, That in our opinion, Senate Bill No. 535 and House Bill No. 924, in the preparation of which the members of this board have assisted, will accomplish this desired result, and thus bring to the State an increase of revenue without increasing the burdens of taxation upon property now subject to taxation.

TO THE SENATE

MARCH 29, 1909

From the Journal of the Senate, p. 765

March 29, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed William K. Amick of St. Joseph, as member of the Board of Managers of State Hospital No. 2 at St. Joseph, for a term ending February 1, 1911, vice J. H. Carey, resigned.

Very respectfully,

J. F. GMELICH,
Acting Governor.

TO THE SENATE

MARCH 29, 1909

From the Journal of the Senate, p. 765

March 29, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Joseph W. Jamison of St. Louis, as member of the Board of Election Commissioners of the city of St. Louis, for a term of four years from January 15, 1909, vice Thomas K. Skinker.

J. F. GMELICH,
Acting Governor.

TO THE SENATE

MARCH 29, 1909

From the Journal of the Senate, p. 765

March 29, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Henry D. Faxon of Kansas City, as member of the Board of Managers of State Hospital No. 2 at St. Joseph, for a term ending February 1, 1913, vice P. E. Field.

Very respectfully,

J. F. GMELICH,
Acting Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

APRIL 7, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate and House of Representatives of the Forty-fifth General Assembly of the State of Missouri:

One of the questions of interest and importance in the public affairs of this State which was an active subject of discussion in the last campaign was the so-called "liquor question." Up to the present time, however, the phase of this question that has received the most consideration in this General Assembly has been as to whether there should or should not be submitted to the people an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors. It is important, therefore, to see what were the promises made to the people of this State by the two political parties that are represented in this General Assembly in reference to this question, and to see what has been done, and what should be done to carry out the obligations assumed in the respective party platforms. This question should be, in no sense, a political one, and if the declarations and promises made by the two leading political parties in their party platforms are to control, it can, in no sense, be regarded as a political question. For no substantial difference is to be found in the declarations of the platforms of the Republican and Democratic parties upon this question in the recent campaign. Both declared in favor of the enforcement of the laws regulating dramshops, including the closing of saloons on Sunday. Both declared in favor of our present system of laws by which the people of the counties and the cities of the State can exercise a local option in favor of prohibition therein, and thus both, by necessary inference declared against State-wide prohibition. Both platforms declared in favor of the enactment of such new laws as

experience might show to be necessary for the further suppression of the evils of the liquor traffic.

In view of the absence, therefore, of any substantial difference upon this question between the two political parties in their ante-election promises to the people, I wish to offer to you a few suggestions as to how those promises and obligations can be and should be, in my opinion, expressed in the laws of this State.

It is axiomatic that to conduct a saloon is a privilege which the law confers, and not a natural right which the individual enjoys. And it ought to be accepted without question that the saloons and liquor interests must obey the laws of the State, whatever those laws may be. So long as the State undertakes to deal with this traffic by regulation, and not by efforts at suppression, it should eliminate, as far as possible, the evils incident thereto. The active participation of representatives of these interests in political affairs for the purpose of domination and control constitutes, in my opinion, one of the evils incident to this traffic with which it is necessary to deal, and also constitutes one of the principal causes for those prejudices and passions which make it difficult for us to deal in a fair, conservative and effective manner with this problem. It is, I think, the unquestioned sentiment of the people of this State that these interests must not be permitted to nominate and elect our public officials for their own benefit and protection. And in order that this result may be accomplished, the brewer and the distiller should, by law, be strictly confined to the business the law permits them to conduct. When the brewer, the distiller or the wholesaler of intoxicating liquors is permitted, directly or indirectly, to own, operate or control dramshops, then there exists a necessary combination of power that results in the injury of the business itself and inevitably tends to pernicious and dangerous political activity and influence. The other evils incident to this condition are so many and so manifest that it is unnecessary for me to mention them here. Legislation striking at this evil was attempted by the last General Assembly, but the

law then enacted has, up to the present time, apparently failed to accomplish its purpose.

Without considering the question of the sufficiency of the existing statute, it is, in my opinion, clearly advisable that another law should be passed which will enforce the complete separation of the brewery and the saloon, the wholesaler and the retailer, the one from the other. The only bill with which I am familiar which seeks to accomplish this desired and proper result was reported adversely in the House and does not occupy a position upon its calendar. This bill should, in my opinion, be revived and, with such amendments as might be necessary or proper, placed upon the calendar and enacted into law.

Another evil which, in my opinion, demands action upon part, exists as a result of the enforcement of the law for the closing of saloons on Sundays. In the large cities of the State there have been established a large number of clubs, known as "Lid Clubs," which exist largely for the purpose of dispensing intoxicating liquors on Sundays. These clubs are usually protected by a decree of incorporation, under the provisions of section 1394, R. S. Mo., 1899, as literary, scientific or athletic organizations. At these clubs liquors are furnished to the members and also to visitors, and thus the law against the sale of intoxicating liquors upon Sundays is made inoperative and an injustice is done to the licensed saloon-keeper who obeys the law, as well as to the general public. The protection of the decree of incorporation oftentimes makes it difficult for public officials charged with the enforcement of the criminal statutes to deal with these conditions. Legislation should be enacted to meet this situation and, in my opinion, every club of any character which dispenses intoxicating liquors to its members should be required to pay a license to the State. If this were done, it would be within the power of the officer or officers who grant such licenses to refuse to grant a *license to a club of doubtful character* or to revoke such license in case the same was secured or was being used for the mere purpose of violating or evading the dramshop laws.

In other words, the most effective manner of regulating the sale of intoxicating liquors is through the control exercised therein by a license which is revocable for any violation of the laws of the State, or for any other cause that may make its continuance incompatible with the public welfare. There are pending before you measures seeking to accomplish this result, and I earnestly urge upon you that you give to them favorable consideration.

The question of a residential district local option law is a question that has also been considered by this General Assembly, but as yet no bill has been agreed upon which seems to meet with general approval. In my opinion, it is advisable to confer upon the people in residence districts in the large cities the right to exclude or refuse to permit saloons to do business therein. I regard it as of importance that the people who reside in such residence district should have the same right to exclude or to prevent the saloon from doing business therein as is now enjoyed by the people of the smaller cities and in the counties of the State, and I do not believe that this question has in it such inherent difficulties as to make it impossible to agree upon a satisfactory and effective measure. I feel that the people in such districts in the large cities should be given the right, either by petition or through an election, to absolutely prevent the existence of the saloon in such district for a definite period, and that no discretion, after such an expression of opinion by the people of such district, should be given to the officer or officers granting the dramshop licenses as to whether such licenses should or should not be granted within such territory.

I also recommend to your favorable consideration the advisability of making such changes in the present "local option laws" as experience may have shown to be advisable. Such amendments should be adopted as will secure a more prompt and effective enforcement of those laws within such political subdivisions of the State as have adopted prohibition. Whether or not a vote of the people of each county should be taken as a whole, or whether this right should

be exercised separately by the people of the county living within a city of over 2,500 inhabitants, is a question which should receive your careful consideration. It is my opinion that it might be well to make some change in the law in this regard, as the conditions which existed at the time the present law was adopted are now essentially different than they were then.

All of these measures which I have suggested are practical measures as to the advisability and necessity of which I believe a large majority of the people of the State are entirely agreed.

I feel that the importance of enacting laws for the accomplishment of these results should not be obscured or interfered with by the consideration of the question as to whether there should or should not be submitted to the people of the State an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors throughout the State. Every member of this General Assembly has assumed a personal and political obligation to enact into law such measures as may, in their opinion, accomplish the further reduction of the evils incident to this traffic. No obligation has been assumed by any member of this General Assembly through the declarations of his party platform in reference to the submission of an amendment to the Constitution providing for State-wide prohibition. While my views upon this question are well known, the responsibility rests alone with the members of the legislative department as to whether this question shall or shall not be submitted to a vote of the people. I feel that I can fairly say, however, that that question should be decided solely by the test as to whether any useful public purpose would be subserved by making the adoption of such an amendment an active subject of controversy for the next two years. But, whatever may be your action upon this question, I earnestly urge upon you that you proceed to the consideration and enactment into law of those measures which I have herein urged upon your consideration. For by the enactment of these laws do I believe that we will be

best able to secure that result which all good citizens desire—the advancement of the cause of temperance and good government.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

APRIL 13, 1909

From the Journal of the Senate, pp. 954-955

To the Senate and House of Representatives of the Forty-fifth General Assembly:

I want to urge upon your consideration the advisability and necessity of enacting a law prohibiting, under suitable penalties, railroad companies from issuing free passes. The Constitution of 1875 prohibits any discrimination in charges in the passenger traffic and makes all railroads doing business in the State public highways and common carriers. It also contains a mandatory instruction to the Legislature to enact laws to carry out these Constitutional provisions. This instruction has never been complied with, and it has been the settled practice for years for the railroads of this State to make discrimination in charges for passenger service by carrying between one and two per cent. of their passengers free of charge and requiring the balance of their passengers to pay for those carried without cost. This was not only in violation of the Constitution and an injustice to those who paid railroad fare, but also a source of corruption and improper influence in public affairs. While the Constitution and Statutes of this State prohibit railroad companies from giving or public officials from receiving free passes, but little good was accomplished by such provisions, even when observed, so long as all of those persons who were responsible

for the nomination and election of the public officials were able to receive free passes by asking for them.

In June, 1907, following the enactment of the two-cent passenger rate law, I called the attention of the railroads of this State to the fact that they were violating the Constitution by issuing free passes, and advised them that if they did not discontinue the practice, I would institute a suit for the purpose of securing an injunction restraining them from doing so. After some delay, all of the railroads of the State advised me that they would comply with this request and discontinue the issuance of free transportation. My information was that this agreement was adhered to up until the convening of this Legislature, but I am authoritatively informed that since that time railroad lobbyists have been liberally distributing free passes to employes of this General Assembly and to other persons not entitled to receive the same.

I have called the attention of the Attorney-General to the violation of the agreement made with me by the railroads of the State, and requested him to take such action as he may deem advisable in the premises, but it is evident that the slow processes of the civil courts are inadequate for the correction of this evil and abuse

The bill now pending before you, which provides appropriate penalties for the giving of free passes to persons other than employes and those engaged in works of religion and charity, would, in my opinion, bring about a correction of this evil, and it is of importance to the people of this State in their contest with the railroad companies to secure reasonable passenger rates, that the farmer, the merchant, the laborer, the lawyer and the doctor, who pay the railroad companies for their transportation, should not be required to also pay for the transportation of those to whom the railroads may deem it advisable or expedient to give free transportation.

And it is also of importance that the mandate of the Constitution should be respected, which directs the General Assembly to pass laws preventing discrimination in charges

in passenger traffic, and to require, under appropriate penalties, that railroads shall be in fact, as well as in name, common carriers—that is, that they shall be carriers common to all alike and upon fair and equal terms.

If an effective law is to be enacted for the accomplishment of these results, it is necessary that the excepted persons to whom the railroad companies may be permitted to give free transportation should be as limited as possible. If the excepted class is made too large, or if persons engaged in certain business transactions with the railroad companies are permitted to receive transportation in connection therewith as a part of such transaction, the door is opened for such evasions of the law as to make it practically useless. Nearly four years ago the National Congress enacted a law prohibiting the issues of free passes in interstate traffic, except to employes and those engaged in works of religion and charity, and it is highly important that the provisions of any State law that may be adopted upon this subject should not enlarge the excepted class provided for in the act of the National Congress.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 13, 1909

From the Journal of the Senate, p. 982

April 13, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed E. A. Crewson of Versailles, Missouri, as member of the

Board of Managers of the Missouri Training School for Boys, to hold for a term of four years from February 1, 1909, vice J. H. Denny.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 14, 1909

From the Journal of the Senate, p. 996

April 14, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Frank B. Fulkerson of St. Joseph, Missouri, as member of the Board of Police Commissioners of St. Joseph, to hold for a term of three years from April 28, 1909, vice W. K. James.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 14, 1909

From the Journal of the Senate, p. 996

April 14, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, reappointed Dr. William Porter of St. Louis, Missouri, as member of the Board of Managers of the Missouri State Sanatorium at Mount Vernon, to hold for a term of four years from April 12, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 14, 1909

From the Journal of the Senate, p. 997

April 14, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. E. W. Schauffler of Kansas City, Missouri, as member of the Board of Managers of the Missouri State Sanatorium at Mount Vernon, to hold for a term of four years from April 12, 1909, vice Dr. J. L. Eaton.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 19, 1909

From the Journal of the Senate, p. 1075

April 19, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Otto L. Teichman, as member of the Board of Police Commissioners of the City of St. Louis, to hold for a term of four years from January 1, 1909, vice J. W. Fristoe.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

APRIL 19, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate and House of Representatives of the Forty-fifth General Assembly:

I address to you this communication for the purpose of calling your attention to bills now pending in both Houses of this General Assembly providing for the creation and appointment of a Waterways and Forestry Commission. These measures are of the greatest importance to the people of this State in connection with the development and conservation of our great natural resources.

The bill creating the Waterways Commission provides for a commission of five persons whose duty it shall be to investigate the various problems of waterway transportation, the reclamation of land subject to overflow and the available water power of the State. The members of the Commission are to serve without compensation, but an appropriation of five thousand dollars is provided for to pay the expenses of the Commission. Following the Conservation Congress called by President Roosevelt in May, 1908, which was attended by the Governors and representatives of practically every state in the Union, Governor Folk appointed a Waterways Commission in this State. This Commission was, of course, a voluntary one, as there was no law authorizing its creation or providing any appropriation for the carrying on of its work. It has, however, collected much valuable information, and through its members it has participated in the various conventions called throughout the country for furthering the improvement and development of the waterways and the conservation of our great natural resources.

The first work of importance that is within the power of such a commission to accomplish is in connection with

the improvement of the rivers of this State for the purposes of navigation. While the power belongs to the National Congress to control the navigable rivers for the purposes of navigation, it is of peculiar importance to the people of this State that this work should be undertaken in a practical, comprehensive and effective manner by the National government. The State of Missouri has more navigable rivers within and along her borders than any state in the Union, and has, therefore, a larger relative interest in this question than any other state in the Union. At the present time, the Missouri river carries no tonnage worth mentioning, and the Mississippi river, along the borders of this State, carries but a very small tonnage compared with what it has carried in the past and is capable of carrying in the future.

There is now before the National Congress a proposition for a national bond issue to the amount of $500,000,000 for the improvement of the waterways of this country, including the great rivers of the Mississippi valley, as well as the construction of inter-coastal canals along the Atlantic and the Pacific slopes and the improvement of the harbors upon the two oceans, the Great Lakes and the Gulf. The proportion of this bond issue that would eventually have to be paid by the people of Missouri would be approximately $25,000,000, so it is, therefore, of the greatest financial interest to the people of this State that this work should be undertaken in the most practical, scientific, economic and effective way possible. While the general plans, of course, must be devised and decided upon by the representatives of the National government, much work in investigating and securing information for the guidance of our representatives in the National Congress could be done by such a commission as is herein provided for.

But, while the control of the rivers of this State for the purpose of navigation belongs to the National government, it is within the power of the State to provide for the improvement of those rivers for the protection of adjacent lands from overflow and for the conservation and use of the available

water-power, and thus, incidentally, for the purposes of navigation. It has been estimated that there are 600,000 acres of fertile land lying along the borders of the Missouri river in this State which are of small or impaired value on account of the danger of overflow, and that at an expenditure of not to exceed $50,000 a mile the danger of overflow and inundation of this land could be largely, if not completely, removed. If these estimates are correct, the saving alone in the value of the land reclaimed would more than pay the expenses of this improvement. With the Missouri river in a condition so that it would be safe for the purposes of navigation, there would exist transportation facilities from the eastern to the western border of the State many times in excess of all the railroad lines which now run across the State. In a matter of this importance the people of this State should have selected to represent them men of knowledge and experience whose official duty it is to see that all things are done which can be done to induce the National Congress to adopt a policy which will bring about a proper improvement of our great natural water highways. Or, in case the National government should fail to undertake this work, that the next General Assembly should be given the information necessary for it to initiate such plans as may result in Missouri doing that which it can do to improve its navigable rivers for the purposes of navigation and to prevent overflow with the consequent loss and damage to business and agricultural interests.

A number of our sister states have provided for Waterways Commissions to investigate and direct work of this character, and our neighboring state of Illinois has authorized a bond issue of $20,000,000 for the improvement of the Illinois river so as to create a navigable ship canal between the Great Lakes and the Mississippi river. It is estimated by those who are familiar with this enterprise that in ten years the State can secure the return of the entire amount of this bond issue in the sale of the water-power that will be available through this improvement. And in this regard the creation of such a commission in this State is also of the

highest importance. For not only is Missouri more richly endowed than any other state in the Union in the navigable rivers flowing along and within her borders, but none surpass her in streams that would be available for the furnishing of water-power for great commercial centers. This State could make the development and sale of its water-power resources of almost inestimable value.

While the question is not entirely free from controversy, I think the weight of authority, as well as of opinion, agree that the control of a navigable river for power purposes, and the right to charge therefor, belongs alone to the State government; that the power of the Federal government over navigable rivers exists only for the purposes of navigation. While the right to use our rivers for the creation of water-power must be given by the National Congress, yet the National Congress, which gives the right, has no power to charge therefor. This subject should be investigated by such a commission as is provided for in this bill and some arrangements should be made between the State and National government by which the use of the rivers of this State for the development of water-power should be given by the National government only on the approval of the State and on the payment to the State of a reasonable compensation therefor. Or, it may be found to be advisable for the State to adopt a policy of developing its water-power on its own account for sale to private business enterprises. The possibilities of the usefulness of such a commission are practically unlimited, and if Missouri is to keep pace with her sister states and act with regard for the interest of her citizens and great commercial centers, it is necessary that this work should be undertaken in a scientific and effective manner.

In Kansas City, there has recently been formed an association of private individuals with a proposed capital of $1,000,000 for the re-establishment of river navigation upon the Missouri. Commercial organizations and private business interests of St. Louis are also actively interested in this same question, both as it relates to the Missouri and

also to the Mississippi. It has been recently demonstrated that the railroads of this State are inadequate for the purposes of transportation; and the congestion of freight, as well as the high and unreasonable charges for the transportation of the same, have occurred to the cost and injury of all the people. No question can be of more importance than the question of transportation. For the important problem of commerce, and, in fact, of civilization itself, is the carrying of that which is produced by human labor from the place where it is of little or no value to the place where it is of sufficient value to compensate for the cost of its production.

With the opening of the Panama canal in 1915, as now seems probable, the importance of this question will be increased many fold. For then that commerce which has gone from the west to the east and from the east to the west will, to a considerable extent, at least, go from the north to the south and from the south to the north. And unless Missouri takes advantage of her great natural opportunities in the development of her great natural highways, she must necessarily fail to receive her share of the benefits that will come from the stimulated commerce and transportation of the Mississippi valley.

I trust that this question will have your prompt and favorable consideration, and I would suggest that the amount of the appropriation available for this commission be increased to, at least, $10,000.

A cognate subject to the one to which I have just directed your attention is the act creating a State Forestry Board. This act provides for the creation and appointment of a State Forestry Board to consist of the Dean of the College of Agriculture of the State University, the State Geologist and five citizens, of whom one shall be a practical lumberman. The members of this Board serve without compensation, but have power to appoint a State Forester at a salary of $2,500 a year. It shall be the duty of the State Forester to supervise all matters pertaining to the forestry of the State; take charge of and supervise State forest reserves; collect data relating to forest conditions;

the amount of timber available; the best manner for the re-forestization of land; prevention of fires; the establishment of a State nursery and the cultivation and distribution of trees.

A Forestry Commission was also appointed by Governor Folk, which has served without compensation and without any appropriation for carrying on its work. It has, however, in co-operation with the Waterways Commission, taken an active interest in the work and developing and conserving our natural resources.

This subject is naturally related to the subject of the improvement of our waterways. For upon the proper growth and conservation of our forests depends the preservation of our streams and the prevention of overflows destructive of lands and property adjacent thereto. And it is also of commercial importance to the State that timber lands which have been cut over should be replanted in order that we may not be deprived of valuable supplies of lumber in the future.

I am advised that the owners of large tracts of land in the southern half of this state from which the timber has been cut would be glad to deed the same to the State for such purposes. This is true for the reason that the land without the timber is not valuable for the purposes of cultivation.

It is also of interest and importance for the State to adopt measures for the protection of our forests from the dangers of fire. This work cannot be satisfactorily and effectively undertaken by private individuals. The establishment of a State nursery for the distribution of trees, plants and shrubs, as well as the encouragement of interest in such work is also a matter of State-wide concern. Such a commission as is provided for by this act would serve a useful purpose in all of these regards, and also in many other particulars directly related thereto. A number of states of the Union, as well as the national government, have departments or commissions for the carrying on of such work, and the importance of these interests to the people of Missouri,

and particularly to those living in the southern half of the State, emphasizes the need of such a commission here.

For this bill also I ask your prompt and favorable consideration.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 22, 1909

From the Journal of the Senate, p. 1144

April 22, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Willis G. Hine of Savannah, as a member of the Board of Regents of the Fifth District Normal School at Maryville, for a term of six years from January 1, 1909, vice I. R. Williams.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 22, 1909

From the Journal of the Senate, p. 1144

April 22, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed William F. Rankin of Tarkio, to succeed himself as a member

of the Board of Regents of the Fifth District Normal School at Maryville, for a term of six years from January 1, 1909.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

APRIL 23, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate and House of Representatives of the Forty-fifth General Assembly:

This General Assembly has now been in session for 105 days and fourteen days of the period of full compensation allowed by the Constitution now remain. As yet but one bill increasing the revenues of the State has been passed by either branch of this General Assembly. While each house has freely incurred the expenses incident to the conduct of the work of legislation and has passed a number of bills increasing the demands upon the revenues of the State, no additions have been made by any act of legislation to the sources from which those revenues must come. If anything is to be done in this matter, it is important that it should be done without further delay. In my inaugural address, and again in a special message to this General Assembly, I called your attention to the fact that during the last biennial period the appropriations exceeded the revenues to the amount of $1,500,000, and that a considerable portion of this amount would have to be appropriated in the form of a deficiency appropriation by this General Assembly, and much more of the amount which was appropriated two years ago and which was not available was needed by the different State institutions and departments of government.

According to the estimates prepared, the revenues needed for the carrying on of the affairs of government for

the present biennial period, together with the deficiency appropriations amount to $11,000,000, while the available revenues have been estimated at about $8,000,000. To meet this deficiency, I have made, after careful study and consultation with those who have given special study and investigation to the question of taxation, the following suggestions as to the additional sources from which more revenue can properly and fairly be secured:

First. A tax upon the franchise of corporate existence.

Second. A tax upon direct inheritances.

Third. A license tax upon wholesale liquor dealers, clubs engaged in the sale of intoxicating liquors and retail liquor dealers other than dramshop-keepers, who are now taxed.

Fourth. The abolishment of our present farcical system for the inspection of coal oil and gasoline, from which no revenue is secured by the State, and the enactment of a law providing for the proper inspection of coal oil and gasoline, from which it is estimated that between $150,000 and $200,000 will be raised by the State each year.

All of these recommendations sought to make subject to taxation franchises or privileges which are enjoyed by and which are of value to the individual and which now escape taxation. The franchise of corporate existence is a franchise or privilege conferred by the State which is of value to the individuals who secure it and which is not taxed. Such franchise values are taxed, however, in many states of the Union and in some of them a tax of one dollar on each one thousand dollars of capitalization is imposed—four times the tax proposed by the bill which I have recommended to you. It is, in my opinion, a manifest discrimination in favor of the corporation and against the individual for the State to longer permit the franchise of corporate existence to remain untaxed.

To receive an inheritance is a privilege conferred upon the individual by the State for which the individual pays nothing to support the government which secures to him this privilege. Thirty-four states of the Union have imposed an

inheritance tax and it exists as an important source of revenue in most of the civilized nations of the world. No good reason can, in my opinion, be offered as to why a reasonable tax upon inheritances, above a reasonable exemption, should not be paid by those who enjoy this privilege.

The right to sell liquor at wholesale, through a club organization, or at retail, is another privilege that is conferred by law and not subject to taxation. And in addition to the importance of the revenue to be secured from this source, there is the necessity of the license to engage in such traffic for the purpose of proper regulation.

The proper inspection of coal oil and gasoline is a duty which the State should perform, and if performed in the proper way can also be made a source of revenue. A bill for the accomplishment of this result has passed the Senate, and, I trust, will soon receive the favorable consideration of the House.

In addition to these measures, I have urged such changes in the present law for the assessment and return of real and personal property as will result in a more complete and equitable assessment thereof. I do not wish to see a single cent added to the burdens of taxation of those who own the real and personal property in this State, which now bears its just burden of taxation, but I do wish to see that personal property which is not now subject to taxation made subject to taxation, and I do wish to see real and personal property throughout the State assessed and taxed at the same proportion of its actual value. A bill for the accomplishment of this purpose has been recommended by the State Board of Equalization and legislation along the lines of the bill recommended is pending in both branches of this General Assembly.

It has also been proposed to provide by law for a tax commissioner charged with the duty of securing a complete return or assessment of property for taxation and the equal assessment of real and personal property throughout the State. The experience of other states and my own judgment

convince me that such an officer could perform a useful public purpose in this state, and with the assistance of such a law as has been proposed by the State Board of Equalization, I believe that the assessment of real and personal property in this State could be placed upon a most satisfactory basis.

I feel that I can fairly say that the people are expecting and are justly entitled to proper legislation upon these subjects from this General Assembly. Opposition to each and all of these measures has arisen from different reasons. Those persons and interests whose property would be subjected to taxation by the enactment of these laws have, of course, objected to them, and by actively interesting themselves in communicating with members of this General Assembly have sought to create the impression that such legislation is opposed by the people. The great mass of the people whose financial interests are not directly affected by such laws have, however, not been heard from. That those persons whose property is not now subject to taxation and which would be subject to taxation by the enactment of these laws object to them is neither unusual nor unexpected. It simply demonstrates the truth of what Edmund Burke said that "It is as difficult to tax and please as it is to love and be wise."

Again opposition has been offered to these measures from other considerations. And an effort has been made to create the impression that the lack of sufficient revenues to carry on the affairs of government would embarrass only the executive department of the State government. The Governor of the State is no more responsible for such a condition of affairs than is any member of the legislative department. The absence or existence of proper and sufficient revenue to carry on the affairs of government is a condition for which responsibility primarily rests upon the Legislature. The Governor can neither initiate nor enact laws. He can neither raise revenue nor make appropriations. He can only suggest to the Legislative Department the laws that in his opinion should be enacted, and when he

has done this his responsibility is at an end and the responsibility of the Legislature begins. And if during the next biennial period the State institutions and the various departments of State are to be deprived of the means necessary to enable them to accomplish the full measure of their activity and usefulness, the responsibility must rest on those who oppose laws subjecting to taxation franchises and privileges not taxed, and laws reforming our present inadequate and ineffective system for the assessment and return of real and personal property for the purposes of taxation.

In my inaugural address to the members of this General Assembly, I called your attention to the fact that our Constitution had wisely divided the powers of government into the legislative, judicial and executive departments and that each is made responsible to the people for the manner in which its duties are performed. I wish again to direct your attention to the fact that upon you must rest primarily the responsibility for providing revenue sufficient to properly and economically carry on the affairs of government, to meet the increasing demands of a great and growing commonwealth and to properly discharge the various duties that the State owes to its people, increasing as they are with the advancement of our civilization and the development of our commercial, industrial and agricultural interests.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 26, 1909

From the Journal of the Senate, p. 1170

April 26, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed John

A. Woods of Fayette, as member of the Board of Managers of the State Confederate Soldiers' Home at Higginsville, for a term of four years from February 1, 1909, vice Edwin G. Williams.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 26, 1909

From the Journal of the Senate, p. 1171

April 26, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed J. D. Ingram of Nevada, as member of the Board of Managers of the State Confederate Soldiers' Home at Higginsville, for a term of four years from February 1, 1909, vice R. P. Hopkins.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 26, 1909

From the Journal of the Senate, p. 1171

April 26, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed J. P. Bradley of Linneus, as member of the Board of Managers of

the State Confederate Soldiers' Home at Higginsville, for a term of four years from February 1, 1909, vice C. H. Vandiver.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

APRIL 27, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Members of the Senate and House of Representatives of the Forty-fifth General Assembly:

The question of the proper conduct of the State Penitentiary and the improvement of the sanitary and hygienic conditions therein, which has been an active subject of interest in this General Assembly, was made the subject of an investigation by a special committee of the Senate of the Forty-fourth General Assembly and by a special committee, aided by competent physicians, of the Senate of this General Assembly. Recently, on the occasion of the Warden appointed by me taking charge of the State Penitentiary, I asked the State Board of Health to make an examination of the present sanitary and hygienic conditions of that institution and to report to me as to the result of their investigation, together with such recommendations as they wished to submit. This request was complied with by the State Board of Health and I have received the report that it has submitted as the result of the investigation conducted. Knowing that this subject received the special consideration of this General Assembly, I submit to you herewith a communication received from the State Board of Health, in order that you may have the benefit of its recommendation in the consideration of legislation relating to the improvement of conditions in the State Penitentiary.

These recommendations were all made upon the theory that the revenues available for this biennial period would not justify the expenditure of large amounts of money for the construction of new buildings or the improvement of old. I requested the Board to make its investigation and recommendations along such practical lines as that would not require the expenditure of a larger amount of money than it was estimated would be available for the support and maintenance of the Penitentiary.

It is a source of regret to all citizens interested in the intelligent and humane treatment of the convicts in the State Penitentiary that conditions exist which are to be found there today. While I do not believe in a "rosewater" system of treatment in the punishment of criminals, I do believe that it is the duty of the State to send forth those whom it punishes more useful to society than when the punishment began. To do this, it is, of course, essential that they must be better men physically when discharged than when their punishment began. And if they are sent forth better and stronger men physically, the chances are that they will be better and stronger intellectually, industrially and morally than at the beginning of their confinement. To accomplish this result, unhygienic and unsanitary conditions must not be allowed to continue. Provisions should be made in the appropriation act for the maintenance and support of the State Penitentiary by which the cells can be better lighted and better ventilated and by which it can be made possible for those afflicted with contagious or infectious diseases to be segregated from the other convicts. This necessity exists principally in the case of those afflicted with tuberculosis. By the expenditure of approximately $7,500.00 the necessary arrangements can be made by which those afflicted with this disease can be separated from the other convicts, profitably employed at like labor and a large majority permanently cured. This will accomplish not only a useful purpose in the cure of a large majority of those afflicted with it, but it will also prevent the affliction of other convicts and of the general public from discharging

under sick pardons or after the termination of their period of confinement those afflicted with this disease. It will also accomplish a useful result in the example that will be given to the people of the State as to how this disease should be properly treated and how easily it may be cured.

There are a number of other important suggestions in this report deserving of your considerations, but this is the principal subject which will require a separate item in the appropriation for the maintenance and support of the State penitentiary. I sincerely trust that there will be no difference of opinion as to the advisability of this appropriation.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 27, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate:

In 1904 the two leading political parties in this State declared in favor of the principle of "Home Rule" for the large cities. The declaration of the Democratic party in its State platform upon that question was as follows:

"We favor the right of the people of each locality of selecting their own officials. We pledge the Governor elected on this platform to recommend to the Legislature, as soon as practicable, the enactment of laws whereby all municipalities of the State shall be accorded such a system of local self-government as is consistent with the due enforcement of law and the maintenance of the peace and dignity of the State."

The Republican party in its State platform declared as follows:

"We favor Home Rule, whereby the people of each locality shall select their own officers, and the enactment of such laws as will bring this to pass."

Thus, it is at once apparent that at that time both political parties were agreed in favor of abandoning the policy of managing the police and excise affairs of the large cities through State Board appointed by the Governor.

In compliance with the promise contained in the Democratic platform, the Governor of the State, Hon. Joseph W. Folk, recommended in his inaugural address to the 43rd General Assembly the abandonment of the policy of conducting police and excise affairs of the large cities of the State through State Boards. Both Houses of the 43rd General Assembly gave their approval to a bill providing "Home Rule" for the city of St. Louis, by authorizing the Mayor to appoint four members of the Board of Police Commissioners, of which he should be a member, the appointees to be equally divided between the two leading political parties. This bill was vetoed by Governor Folk, for the reason, as stated in his message, that he regarded the act as both unconstitutional and inadvisable. It was his argument that the State must provide a system of municipal police; that the State could not delegate to a municipal officer the appointment of a commissioner or commissioners who would manage the police department created by State law, and that it would be necessary for the city of St. Louis to establish a municipal police under the Enabling Act of the State Legislature before the people of that community could secure "Home Rule." In his veto message, however, Governor Folk said:

"If the Legislature has power to authorize the mayor to appoint police commissioners, it would be better to have him appoint only one, and as a safeguard against the corrupt element obtaining control of the department, to provide for his removal by the Governor. The experience of other large cities of the country has shown this to be the best possible system, but even this, it seems, cannot be accomplished without a constitutional amendment."

As the Governor did not veto the bill until after the adjournment of the Legislature, no effort could be made to enact another "Home Rule" law or to pass this bill over his veto. Thus, the promise for "home rule" was not kept, and in the Forty-fourth General Assembly, in which the Democratic party was in control of both branches, no bill providing "home rule" for the people of the large cities received the approval of either branch of the General Assembly, and no effort was made by the members of the majority party to secure any legislation to carry out the platform promises of 1904.

In 1908 the representatives of the Democratic party adopted no resolution in reference to the question of "home rule," neither declaring in favor of it nor against it. The representatives of the Republican party declared:

"The Republican party of this State has always stood for the principle of local self-government, and has repeatedly called the attention of the people to the abandonment of this principle by the Democratic party, and in this connection we reaffirm the previous declarations of the Republican party in favor of the principle of home rule."

While the Democratic party did not re-affirm, it did not deny the correctness of the position that it had taken upon this question in 1904. The only statement of the party's position upon this question was made by its candidate for Governor in his campaign speeches in opposition to the right of the people of the large cities to select their own police and excise officials, for the reason, as he asserted, that the promise of "home rule" upon the part of the Republican party was inconsistent with the declaration of that party in favor of enforcement of State laws regulating dramshops.

In answer to this assertion, the Republican party declared that the enforcement of the laws of the State regulating dramshops was in no way inconsistent with the right of the people of the large cities to select their own police and excise officials.

In my inaugural address I stated that while I would do all that I could to see that a law was passed giving "home rule" to the people of the large cities of the State, I also stated:

"It has been urged that there may arise conditions with which the local authorities, under a system of home rule, may be unable to cope, or to which they weakly yield. This is, of course, entirely true, and it is only proper that there should be some reserved power in the chief executive by which, under such circumstances, he can properly enforce the laws of the State and protect lives and property."

I have given you this brief review of the position that the two political parties have taken upon this question, not for the purpose of creating or reviving any political feelings or prejudices, but for the purpose of showing that both political parties were entirely agreed upon the principle of "home rule" in 1904 and that the only difference between them in 1908 existed by reason of the concern upon the part of the representatives of the Democratic party that in case the people of the large cities were given "home rule" there might follow a failure to enforce the laws of the State regulating dramshops and protecting life and property.

In view of this situation, I undertook, in co-operation with members of both branches of this General Assembly, the preparation of laws whereby, in the language of the Democratic State platform, "all municipalities of the State shall be accorded such a system of local self-government as is consistent with the due enforcement of the law and the maintenance of the peace and dignity of the State." In preparing these laws, it was our earnest endeavor to secure the principle contended for in the Democratic State platform in 1904: "The right of the people of each locality of selecting their own officials," and at the same time safeguard the "due enforcement of the law and the maintenance of the peace and dignity of the State." It was also our earnest purpose in the preparation of these bills to obivate the only objection which had been raised to "home rule" by the Democratic candidate for Governor in the last campaign, viz.: That to

give to the people of the large cities the right to select their own police and excise affairs might result in the failure to enforce the dramshop laws and laws for the protection of life and property. To accomplish this result, bills were drawn providing that the mayor should appoint the officers who would manage the police and excise affairs and that such officers might be removed for official dereliction either by the mayor or by the Governor. By these laws there was, therefore, secured to the people of the large cities "the right to select their own officials." And through this right, together with the right of removal of such officers by the Governor and by the mayor, the people of the large cities were "accorded such a system of local self-government as is consistent with the due enforcement of the law and the maintenance of the peace and dignity of the State."

In view of the positions that have been taken by both political parties upon this question, these bills ought to be given a favorable consideration by this Legislature. While, in my opinion, it is entirely true that no bill should be enacted which would transfer to municipal officers the conduct of these departments of government without proper safeguards and restrictions, yet I feel confident that it would be for the best interests of the people of the State, as well as for the people of such municipalities, that the latter should be given the right of selecting, in the first instance, their own police and excise officials. The right of the Governor to remove such officers, in case of official dereliction, is entirely consistent with the principle of "home rule." The duties that these officers discharge, while largely municipal, also relate to State affairs. Police officers are officers of the State, and it is of concern to all the people of the State that the police and excise affairs of the large cities should be properly conducted and that the criminal laws and laws regulating dramshops should be strictly enforced. This right is safeguarded and preserved by conferring upon the Governor the power of removal. To give to the people of the large cities, through their mayor, the

right to select their own police and excise officials, compels a more active interest upon the part of all good citizens in the selection of that officer. And the right of removal reposed in the Governor prevents the evil results that might occur from the possible official dereliction of the police and excise officials. In view of these facts and in view of the position taken upon this question by the Republican and Democratic parties in 1904, as well as in 1908, there should be no laws enacted upon this subject which are not, quoting again from the language of the Democratic State platform, "consistent with the due enforcement of the law and the maintenance of the peace and dignity of the State." Or, in other words, it is better that we would not abandon our present policy of managing the police and excise affairs of the large cities unless we adopt a policy that is likely to prove satisfactory in actual operation.

I am convinced that the most satisfactory and efficient system is the one provided for in the bills now pending before the Senate. Such a system of laws has been subjected to the test of actual experience in the state of New York and in other states of the Union, and it has resulted in according to the people of the large cities "the right to select their own officials," and it has also secured "the due enforcement of the law and the maintenance of the peace and dignity of the State."

I have not undertaken to discuss the constitutional questions that were raised by Governor Folk in his veto message of four years ago. I have received from a number of attorneys an expression of opinion that the bills that have received the approval of the House were not unconstitutional. In view, however, of the importance of this matter, I have submitted these bills to the Attorney General, who is the legal adviser of both the Governor and the Legislature, with a request for his official opinion as to whether these bills would be unconstitutional enactments, and as soon as this opinion is received, I will submit the same for your consideration. The bills that have received the approval

of the House provide that they shall not become effective until July 1, 1910. This is an important and necessary provision in order to enable the municipalities to adapt themselves to the changed conditions after having for forty years accustomed themselves to a different policy. This provision is also necessary so that proper arrangements can be made to secure from the courts a final decision upon the constitutional questions that have been raised as to the right of the Legislature to provide by State law for a system of municipal police.

I, therefore, respectfully urge that the bills which have received the approval of the House be given your approval without amendment.

I am aware that there have been passed by the Senate two so-called "Home Rule" measures applicable alone to the city of St. Louis. I do not believe that these bills have the approval of the representatives of either party, and it is at once apparent that they are not in accord with the platform promises of the Democratic party when declaring for "Home Rule" in 1904, and that they are in direct conflict with the position taken upon this question by its candidate for Governor in 1908.

The questions involved are too important, the interests concerned are too extensive, to be dealt with in any spirit of political maneuvering or for the purpose of creating political embarrassments for the present or the future. The agitation of the question of " Home Rule" during the last sixteen years, the dissatisfaction which has found expression in platform promises and in public protests from the people of the large cities against the actual abuses incident to the control of police and excise affairs by State boards, all serve to convince me that it is advisable that the State should now abandon this policy and confer upon the people of the large cities the right, in the first instance, to select their own police and excise officials; but that in doing so the State should reserve to itself such supervision and authority over those officials as will secure at all times

the enforcement of the laws of the State, the maintenance of its peace and dignity and the protection of the lives and property of the people.

Respectfully submitted,
HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 28, 1909

From the Journal of the Senate, p. 1221

April 28, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Thomas J. Wornall of Liberty, as a member of the Board of Curators of the State University for a term of six years from January 1, 1909, vice Campbell Wells.

Respectfully,
HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 28, 1909

From the Journal of the Senate, p. 1221

April 28, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed David R. Francis of St. Louis, to succeed himself as a member of the Board of Curators of the State University for a term of six years from January 1, 1909.

Respectfully,
HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 28, 1909

From the Journal of the Senate, p. 1221

April 28, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advise and consent of the Senate, appointed Charles E. Yeater of Sedalia, as a member of the Board of Curators of the State University for a term of six years from January 1, 1909, vice C. B. Faris.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

APRIL 28, 1909

From the Journal of the Senate, pp. 1221-1222

To the Senate:

In my communication concerning the "Home Rule" bills now pending before you, I advised you that I had asked for the opinion of the Attorney-General as to the constitutionality of these measures, and that I would submit the same to you as soon as I received it. I enclose to you herewith a copy of this opinion which I have received. As I advised you in my former communication, I requested the opinion of the Attorney-General as to the constitutionality of these bills now pending before you because Governor Folk had vetoed a similar law four years ago, for the reason that it was, in his opinion, unconstitutional.

In view of the fact that an examination of the veto message of Governor Folk shows that it was based upon the same authorities as is the opinion of the Attorney-General,

I beg to refer you to that veto message which is found in the House Journal of the 43rd General Assembly, pages 1076-1084, in order that you may have both of these learned opinions to assist you in your deliberations.

But whatever opinion may exist as to the correctness of the conclusion of Governor Folk that these laws are unconstitutional or of the Attorney-General that they are constitutional, I am satisfied that all familiar with this question and interested in its proper solution will agree with the proposition which is asserted in the wise words of Governor Folk in his veto message, when he said:

"If the Legislature has power to authorize the mayor to appoint police commissioners, it would be better to have him appoint only one, and as a safeguard against the corrupt element obtaining control of the department, to provide for his removal by the Governor. The experience of the large cities of the country has shown this to be the best possible system."

In view of the fact that this statement of Governor Folk was the last authoritative declaration of any authorized representative of the Democratic party as to the particular form of "Home Rule" that it was advisable to adopt, I trust that his advice will be heeded by this body, composed as it is of a large majority of his party associates.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MAY 3, 1909

From the Journal of the Senate, p. 1377

May 3, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Porter

A. Williams of Fulton, as member of the Board of Charities and Corrections, for a term ending January 1, 1913, vice J. N. Crutcher, resigned.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MAY 3, 1909

From the Journal of the Senate, p. 1378

May 3, 1909.

To the President of the Senate:

I have the honor to transmit herewith the resignation of the Hon. Peter Anderson as Senator from the 34th Senatorial District of Missouri, which I have accepted as of date April 19, 1909.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MAY 5, 1909

From the Journal of the Senate, p. 1457

May 5, 1909.

To the Members of the Senate:

The Governor and Mrs. Hadley wish to extend to the members of the 45th General Assembly an invitation to attend a reception to be given at the Mansion on Thursday evening, May 6, 1909, beginning at eight o'clock p. m.

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MAY 5, 1909

From the Journal of the Senate, p. 1457

May 5, 1909.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed John A. Laird, as member of the Board of Police Commissioners, of the City of St. Louis, to hold for a term of four years from January 1, 1909, vice Benjamin F. Gray.

HERBERT S. HADLEY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MAY 6, 1909

From the Journal of the House of Representatives, p. 1622

May 6, 1909.

To the Speaker of the House of Representatives:

I wish you would advise the members of the House that the invitation extended by Mrs. Hadley and myself to the reception to be given at the mansion tonight at eight o'clock to the members of the General Assembly, includes their wives and the members of their families.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MAY 7, 1909

From the Journal of the House of Representatives, p. 1656

To the House of Representatives of the Forty-fifth General Assembly:

The Joint and Concurrent Resolution providing for the submission to the people of an amendment to the constitution providing for the construction of a new Capitol building has received the approval of the Senate and will soon come before the House for consideration.

I believe that if the people of this State have an opportunity to vote upon this question, they will decide in favor of building a new State Capitol commensurate with the wealth and standing of this commonwealth. It has been said by those who pretend to know that the State of Missouri has the finest Executive Mansion and the poorest State Capitol of any State in the Union. And while this statement may not be entirely correct, it is true that many states which rank far below Missouri in population and wealth, have a larger and better State Capitol.

The first State Capitol was built upon the site of the present Executive Mansion, the construction being begun in 1825 and completed in 1826, at a cost of $25,000. This building was constructed of brick, and was designed for the temporary use of the legislative and executive departments of the State Government, with the idea that later it would be used as a residence for the Governor. But in 1837 this building was destroyed by fire, together with the accumulated records of seventeen years. The present State Capitol, or that portion of the present State Capitol exclusive of the north and south wings, was begun in 1838 and was completed in 1840, at an expense of $350,000. The two wings now occupied by the Senate and House were added in 1887.

The building as at present constructed is entirely inadequate for the executive and legislative departments. But

recently it has become necessary to provide quarters in the old Supreme Court building for the Bank Commissioner, the Bureau of Mines and Mining, the Bureau of Labor Statistics, the State Library Commission and the State Board of Charities and Corrections. Every official who now has quarters in either the Capitol building or the old Supreme Court building is in need of additional room. There is not a strictly fire-proof vault in the entire building, and any day the State may meet with the same experience that it met with seventy-two years ago, when it lost all of the State's records through the destruction of the State Capitol by fire. This would be a loss that would be incalculable and irremedial.

But recently States by no means the equal of Missouri in wealth and population have constructed State Capitols in excess of the amount of the proposed bond issue, and in view of the fact that Missouri has no indebtedness, except that which exists for the benefit of the public schools, it can, in my opinion, well afford to incur this indebtedness for an appropriate State Capitol building. The bonds proposed can be floated for at least three per cent. and the interest can be paid from the interest derived from the deposit of the State fund which now commands 3.29 per cent. interest.

It has been estimated by those familiar with such work that it would take eight or ten years to complete such a capitol as it is proposed to provide for by this bond issue, and by that time the need for such a building will be far more imperative than it is today.

In view of these facts, I respectfully recommend this proposition to your favorable consideration.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 7, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate and House of the Forty-fifth General Assembly:

In my inaugural address, and again in a special message, I brought to your attention an evil that exists in the large cities of the State which I feel should receive the attention of this legislature.

As a result of the enforcement of the laws providing for the closing of dramshops on Sunday, there have been established in the large cities of the State a large number of clubs known as "lid clubs," which exist principally for the purpose of dispensing intoxicating liquors on Sunday. These clubs are usually protected by a decree of incorporation under the provisions of Section 1394, R. S. Mo. 1899, as literary, scientific or athletic organizations. I am advised that at these clubs liquor is freely furnished to the members, and also to visitors, and the law against the sale of intoxicating liquors upon Sunday is thus made inoperative, and an injustice is done to the licensed saloon keeper who obeys the law. The efforts of the police and prosecuting officers of the large cities to prevent or to suppress the operation of these clubs have not been attended with much success. The difficulty of securing testimony, the slow processes of the civil courts, and the inadequacy of the criminal statutes applicable to such conditions all work together to hamper the officers of the law, and to protect these lawless organizations.

The State exacts a license from the dramshop-keepers and enforces upon them a strict compliance with the laws of the State regulating dramshops. And yet it imposes no restrictions in the sale of intoxicating liquors upon the so-called "clubs," which have contributed in no way to the revenues of the State. It is wrong that this condition should

be allowed to continue. The only way, in my opinion, to bring about a correction of this matter is to require that every club of any character which dispenses intoxicating liquors to its members should be required to secure from the State a license and pay therefor. In this way the officer or officers whose duty it is to issue such license can refuse to grant a license to or forfeit the license of clubs which are of doubtful character or which exist primarily for the purpose of violating the laws prohibiting the sale of intoxicating liquors on Sunday. It is better that the law providing for the closing of saloons on Sunday should be repealed and the sale of intoxicating liquors should be transferred from the unlicensed and unregulated "lid club" to the licensed and regulated saloon, than that present conditions should continue.

I give you, herewith, a list of the "lid clubs" existing in the city of St. Louis some few months ago, as reported to me by the chief of police, and which he advises me he has been unable to effectively suppress, notwithstanding the fact that he has received every assistance from the office of the circuit attorney and the prosecuting attorney of the city of St. Louis:

Benton Club	512 Elm St.
Theatrical Club	1605 Olive St.
Crown Club	410 Market St.
Twentieth Century Waiters' Club	110½ N. 9th St.
Bachelors' Club	1311 Spruce St.
Douglas Club	1919 Market St.
Workingmen's Club	2127 Market St.
Hamlet Club	114 S. 6th St.
Missouri Boys' Club	2701 S. 9th St.
Acme Gun and Rod Club	2415 Menard St.
Manhattan Social Club	2632 Arsenal St.
Hercules Athletic Club	2726 Cherokee St.
Rock-Bass Hunting and Fishing Club	3617 Barracks St.
Fellowship Club	2310 S. Broadway.

Iroquois Democratic Club.....2416 DeKalb St.
Harmony Social Club.....2641 Franklin St.
Southern Home Social Club.....1012 Lynch St.
Natural Bridge Industrial Club...2606 Natural Bridge Rd.
Young Men's Training Club.....817 Beaumont St.
Ermalida Club.....3874 Kosciusko St.
Rainbow Club.....4037 California Ave.
Original St. Louis Boys' Club.....3519 Missouri Ave.
Stag Club.....1200 Park Ave.
Vanguard Club.....1306 S. 3rd St.
Cottage Club.....1205 DeKalb St.
Woodbine Athletic Club.....2500 Cass Ave.
Occidental Social Club.....1429 Cleary Ave.
Missouri Musicians' Union.....1726 Glasgow Ave.
Southern Progressive Society.....2601 Morgan St.
Belmont Club.....622 Marion St.
Happy Night Club.....1202 S. 7th St.
Cornell Club.....1919 S. 3rd St.
Sunny Brook Club.....169 Carroll St.
Why Not Club.....1924 Menard St.
Fairmount Club.....121 Russell Ave.
Oak Leaf Club.....2121 S. 7th St.
Social Club.....2048 E. Prairie Ave.
Cote Brilliante Society.....2406 No. Newstead.
Football Association.....3901 Olive St.
Elm Tree Club.....656 Tower Grove Ave.
High Life Club.....610 Marceau St.
Elwood Club.....Elwood and Levee.
Down and Out Club.....Foot of Davis St.
Carnation Club.....1705 Herbert St.
Independent Club.....2120 Bremen Ave.
Gordon Social Club.....1906 Mallinickrodt.
Merry Widow Club.....1817 N. 9th St.
Clover Leaf Club.....3002 Chouteau Ave.
Jolly Five Club.....1511 Morgan St.
Spotless Pleasure Club.....1200 N. 8th St.
Lawson Drum Corps.....2008 Cass Ave.
Golden Rod Pleasure Club.....914 Biddle St.

Workingmen's Hunting and Fishing Club.....1213 N. 17th St.
Shamrock Baseball Club.....1825 Carr St.
Our Own Social Club.....1424 N. 14th St.
Horseshoers' Club.....1468 Hodiamont Ave.
Mechanics' Club.....2123 E. College Ave.
Pike Club.....2219 Penrose St.
Roban Club.....2900 Kossuth Ave.
Angelica Club.....19th and Angelica.
The Good Times Club.....1612 Gay St.
Allen Social Club.....811 Allen Ave.
High Five Club.....1048 Allen Ave.
Schuck Quoit Club.....209 Barry St.
Ivy Social Club.....3306 N. Broadway.
Henrietta Club.....108 N. Broadway.
No Name Association.....802 S. Broadway.
Fellowship Club.....2310 S. Broadway.
Pleasant Home Club.....1712 S. Broadway.
Chippewa Quoit Club.....3912 S. Broadway.
Cherokee Boys' Club.....Cherokee and DeKalb.
Social Literary and Musical Club.1441 Chouteau Ave.
Young Men's Social Musical Club.2018 Chestnut St.
Oriental Club.....1620 Chestnut St.
Richelieu Club.....1506 Chestnut St.
Cherokee Quoit Club.....Cherokee and Compton.
Magnolia Athletic Club.....Compton and Magnolia.
Columbia Athletic Club.....DeKalb and Zepp St.
DeKalb White Rose Pleasure Club.2842 DeKalb St.
Old Hickory Pleasure Club.....207 Dock St.
National Athletic Club.....110 N. 4th St.
Primrose Social Club.....2121 Franklin.
The Men's Pleasure Club.....1026 Franklin Ave.
South Broadway Athletic Club...111 Geyer Ave.
The Komikal Club.....303 Geyer Ave.
St. Louis Piscatorial Club.....1700 Geyer Ave.
Rosemund Club.....1328 Geyer Ave.
Lions' Social Club.....1116 Howard St.
South Side Club.....3514 S. Jefferson.

St. Louis Quoit and Gymnastic Club.....1617 S. Jefferson.
No Name Club.....1021 Lafayette St.
Missouri Quoit Club.....2921 Lemp Ave.
Tannhauser Hunting and Fishing Club.....2632 Arsenal St.
Highroller Fishing Club.....Foot of Lesperance.
St. Louis Waiters' Club.....917 Locust St.
Lombard Hunting Club.....225 Lombard St.
Dewey Independent Club.....2123 Lemp St.
Wizard Club.....203 S. Main St.
Ocosina Club.....1919 Market St.
Suburban Club.....203 Market St.
Monroe Club.....820 Market St.
Eagle Hunting Club.....1926 Menard St.
Retired Merchants' Club.....Foot of Meramec St.
Western Quoit Club.....152 Miller St.
Southam Atlantic Club.....3835 Missouri Ave.
Franklin Avenue Merchants' Association.....1627 Morgan St.
Greeley Social Club.....1201 Morgan St.
The Cawhore Club.....1105 O'Fallon St.
Shamrock Social Club.....1810 O'Fallon.
Marine Quoit Club.....2201 Osage St.
Meramec Quoit Club.....4131 Ohio Ave.
Social Club.....214 Palm St.
Windsor Club.....1317 Papin St.
Superior Athletic Club.....3128 Pennsylvania Ave.
Gravola Quoit Club.....2213 Pestalozzi.
Derby Club.....816 Rutger St.
American Zoo Club.....2911 Salina St.
Moonlight Social Club.....2106 Salisbury St.
Two-Mile House Social Club.....Salisbury and Natural B. Rd.
Kosciusko Social Club.....1329 Sarsfield St.
The Beresford Club.....1301 Sarsfield Pl.
Rose Hill Pleasure Club.....1901 Shenandoah Ave.
Home Quoit Club.....Shenandoah and McNair.

Mark Twain Club.....511 Spruce St.
Our Own Hunting and Fishing Club.....Foot Utah St.
Sporting News Hunting and Fishing Club.....1411 Wash St.
Commission Men's Athletic Club..514 Wash St.
Advising Club.....2716 S. 2nd St.
Jolly Brothers' Club.....3337 S. 2nd St.
American Club.....3363 S. 2nd St.
Olive Social Club.....1310 S. 2nd St.
Mollenbrock Hunting and Fishing Club.....1623 S. 2nd St.
Blue Bell Mandoline Social Club..805 S. 2nd St.
Arsenal Club.....2323 S. 2nd St.
Jolly Times Club.....2218 S. 3rd St.
Gander Quoit Club.....2402 S. 3rd St.
Peerless Pleasure Club.....1444 S. 3rd St.
Phoenix Musical Club.....1712 S. 2nd St.
Willow Club.....9 N. 6th St.
Italian-American Pleasure Club...909 N. 7th St.
Handicap Club.....1233 S. 7th St.
Golden Star Pleasure Club.....1206 N. 8th St.
Open Air Social Club.....3000 N. 9th St.
Fundamental Club.....2215 S. 10th St.
No Name Club.....1107 S. 10th St.
Why Not Hunting and Fishing Club.....2000 S. 11th St.
Good Time Hunting and Fishing Club.....1401 N. 12th St.
Contell Social Club.....1235 N. 12th St.
The Russell Boys.....2026 S. 12th St.
The Olympic Athletic Association.13th and Withnell.
Green Tree Manual Training Club.802 N. 14th St.
Our Own Social Club.....1424 N. 14th St.
Papin Club.....903 S. 14th St.
Calumet Social Club.....1119 N. 15th St.
The Oxford Social Club.....920 N. 15th St.
Young Men's Dramatic Club.....1320 N. 20th St.

The Club.....1411 N. 21st St.
Happy Hollow Social Club..... 3833 N. 22nd St.

The Senate has refused to adopt the provisions of a bill for the licensing of clubs which dispense intoxicating liquors to their members, and the House bill on that subject has also been defeated. This failure has been largely due to the objections that have been raised by the members of respectable social clubs throughout the State to the enactment of a law requiring them to secure a license for the sale of intoxicating liquors. The members of such organizations place themselves in the position of aiders and protectors of the disreputable "lid clubs" of the large cities when they take such a position, for the only effective manner in which the sale of liquor upon Sunday in these "lid clubs" in violation of the law can be effectively suppressed is by requiring all clubs to secure a license from the State. I advise you that I will do all that I can do through the police and prosecuting officers of the large cities to suppress this evil. And if I shall fail in the accomplishment of this result, it will not be through lack of effort on the part of the executive and prosecuting officers, but through the lack of a proper law applicable to the situation. The absence or existence of such a law is a matter for which responsibility must rest upon this General Assembly.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 8, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Members of the Senate and House of Representatives of the Forty-fifth General Assembly:

You have now completed the period of full compensation provided for by the Constitution, and as yet no laws have been passed providing revenue sufficient to meet the obligations of the State government. As there is yet time and opportunity, however, in which to do so, I wish to submit for your consideration a more detailed statement of the financial condition of the State government than I have heretofore been able to give you.

I do this in order that every member of the General Assembly may understand the necessities of the situation with which it is his duty to deal. I desire that you should fully understand this situation in order that no one can hereafter claim that the failure to provide for the different departments of the State government is due to a failure to understand the necessities that the present situation creates.

Under the Constitution of this State, it was intended that the business of the State should be conducted on a cash basis. That is, that the revenues of each biennial period should be sufficient to pay the appropriations of each biennial period. In order to secure this result section 43, article 4, and section 19, article 10, were incorporated into the Constitution of the State.

Today a condition exists in our financial affairs that is in conflict with the letter and spirit of the Constitution because it has become necessary that a large portion of the revenues of the present biennial period should be used to pay the expenses of the last. Were it not for this fact, the revenues of the present biennial period would be approxi-

mately sufficient to meet the expenses of carrying on the different departments of the State government during this biennial period.

As I have heretofore stated in my communications to you, the appropriations for the last biennial period exceeded the available revenues to approximately one and a half million of dollars. Consequently, it became necessary that many State institutions and departments of the State government, for which this money was appropriated, should be deprived of the means that the last General Assembly thought necessary for their proper conduct. In addition to this excess of appropriation over revenue, many of the departments of the State government and the State institutions incurred expenses in excess of the appropriations made for their support, which expenses have also come before this General Assembly in the form of deficiency bills. According to the estimate prepared by the Chairman of the Appropriation Committee of the House, the amount of these appropriations are as follows:

Re-appropriations of money appropriated in 1907, but not available for lack of revenue. $627,510.11

Expenses incurred in 1907-8 in excess of appropriations, now presented in form of deficiency bills 147,004.98

From these figures, it is apparent that, in addition to the appropriations necessary to meet the expenses of carrying on the various departments of the State government and the various State institutions during the present biennial period, this General Assembly is confronted with the necessity of providing means to pay the debts incurred during the last. Estimated upon the most conservative basis, and taking into consideration only the general appropriation bills, it will require at least $9,500,000 to pay the expenses of the State government for the next two years, and to meet the unpaid obligations of the last biennial period. To pay these demands, it is estimated by the State Auditor that the State will have not to exceed $8,500,000.

Many of the special appropriation bills pending before you are meritorious measures, and should be passed. That the situation is a serious one, must be patent to all, and the cause is entirely clear. For, in addition to these inherited liabilities, the expenses of government have increased more rapidly than the revenues of the State have increased. Four years ago there were established two new normal schools, which are now asking for appropriations equal in amount to the sums asked for by the three previously in existence. Within the last four years the State established the Tuberculosis Sanitarium at Mt. Vernon; the Colony for Feeble-minded and Epileptics at Marshall was established in 1899; new courts have been established throughout the State, new offices created, and it has been necessary to give additional assistants in offices heretofore created. All of this has resulted in a necessary increase in the expenses of the State government. While there has been an increase in the assessed valuation of the real and personal property of the State, that increase, on account of our imperfect and imperfectly enforced system for the assessment and return of real and personal property for the purposes of taxation, has not increased as fast as our expenses. This is shown by the fact that for the last twelve or sixteen years each biennial period has shown an increasingly large amount that it has been necessary to appropriate in the form of deficiency bills.

It has been urged by some that it may be advisable to permit the State to go upon a credit, instead of upon a cash basis, by permitting the revenues of one biennial period to be used for paying the expenses of the prior biennial period. Such a system would be in violation of the Constitution of the State, and I propose to do all that I can to prevent such a result. The obligations which the people of Missouri have assumed in connection with their State institutions and State government should be promptly met and in a business-like way. These obligations are neither the creation of this nor any one administration. They are the natural results of the increase in population

and wealth of the State and the consequent increase of those duties of government incident to an increasing population and an advancing civilization.

I have endeavored to suggest to this Legislature methods by which the revenues necessary to meet this inherited liability and increased obligations might be easily met. In those suggestions I have not urged or advocated the addition of a single cent to the burdens of taxation of any property in the State that now pays its just proportion of taxation. I have urged the taxation of that class of property which is intangible and now untaxed. In these recommendations, I have suggested a tax upon the franchise of corporate existence; a tax upon the privilege of receiving an inheritance, and, in addition, I have suggested such changes in the law for the inspection of coal oil and gasoline and intoxicating liquors as would result in a better inspection thereof, and also produce substantial revenues for the state. But one of these laws, the coal oil inspection bill, has received the approval of both the Senate and the House. The corporation franchise tax bill has received the approval of the House, and, I hope, will receive the approval of the Senate.

I have also urged upon you the necessity of making such changes in our present laws for the assessment and return of real and personal property for the purposes of taxation as will result in the full return of all property and the equal assessment of all property returned or assessed. To accomplish something practical along these lines is of the highest importance. The method under which our present laws for the assessment and return of real and personal property for the purpose of taxation is enforced is little short of farcical. Real and personal property in different counties and cities of the State is assessed all the way from 15 to 75 per cent of its actual value. And in the several counties of the State different classes of property are assessed all the way from 15 to 100 per cent of their actual value. The result is that the people in different counties of the State and owners of different classes of

property in the same and different counties pay an unequal portion of the State's taxes. I believe that the adoption of Senate bill No. 535 or of House bill No. 924 would accomplish, to a large extent, a correction of these inequalities. I also believe that a tax commissioner could serve a very useful purpose in this regard. But I feel that any substantial and permanent reform in the assessment or return of real and personal property for the purposes of taxation will be best accomplished by the submission and adoption of the joint resolution for an amendment to the State Constitution providing for the separation of the sources of State and local revenue.

In addition to these taxation and revenue measures, which I have repeatedly urged upon your consideration, I feel that it would be entirely proper and advisable to increase the dramshop licenses in this State. In all counties and cities of the State, the dramshops pay in county and city licenses several times the amount they pay in State license. In answer to the objection that the passage of such a bill might decrease the number of saloons, I submit that such a result could not, in any sense be regarded as an evil or a misfortune, for, as a general proposition, the saloons which would be unable to pay the increased license would be saloons which ought not to exist at all.

In the suggestion of methods for increasing the revenue of the State that I have made to you, I have no pride of opinion. If any other or better plans can be adopted, I will be glad to give them my approval. But I want again to impress upon you that the legislative, and not the executive, department must bear the responsibility of inadequate revenues for the State institutions and the different departments of the State government, if provisions are not made for revenue sufficient to pay the debts of the last administration and meet the obligations of the present.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 10, 1909

From the Journal of the House of Representatives, p. 1733

To the Senate and House of Representatives of the Forty-fifth General Assembly:

I transmit to you herewith a letter, which is a sample of the letters that I have been receiving from different portions of the State in reference to the necessity of enacting legislation requiring all clubs engaged in the sale or distribution of intoxicating liquors to secure a license from the State. I am satisfied that the members of reputable clubs throughout the State who have interested themselves in this question to the extent of employing lobbyists to come to Jefferson City to oppose such legislation, would not have taken such action unless they had been ignorant of the conditions existing in the large cities, and I am assured by Mr. Emil M. Tolkacz, President of the Liederkrantz Club and of the St. Louis Turnverein, that the organizations that he represents, and also a great majority of the reputable social clubs of the city of St. Louis, are in favor of the enactment of a bill requiring clubs to secure a license for the sale or distribution of intoxicating liquors.

The existence of "Lid Clubs," which, unlicensed and unregulated, sell and dispense liquors to members and to visitors, is not only an injustice to the licensed saloonkeeper who conducts his saloon in accordance with law, but they are also a prolific cause of disorder and of crime.

The objection that is made by the members of reputable clubs that to require them to take out a license places them in the same class with dramshops is no objection at all when it is considered that they are now, as a matter of fact, engaged in the same business as dramshops, viz.: the sale of intoxicating liquors to their members. And there is no substantial reason, from the standpoint of justice or of

sentiment, in permitting such organizations to engage in the sale of intoxicating liquors without paying a license to the State. And there is every reason, from the standpoint of public order and decency, in requiring them to secure a license in order that the sale of liquor may be properly regulated and organizations which are disorderly, or which exist for the sole purpose of evading the law, can be completely suppressed. The objection that has been made that to require clubs engaged in the sale of intoxicating liquors to take out a license, would license the sale of intoxicating liquors in counties where it is now prohibited, is, in my opinion, not well founded. This proposition can, however, be so provided for in the bill as to leave no question as to the effect of the law. I submit that it is better, under any circumstances, that clubs should be required to conduct their business under license and regulation than that they should be permitted, without let or hindrance, to conduct it without license or regulation.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

St. Louis, Mo., May 7, 1909.

Gov. H. S. Hadley, Jefferson City, Mo.:

Dear Sir:—I regret very much to learn that your idea of requiring all clubs, of whatever nature, selling intoxicating liquors to pay a license has been eliminated from the bill of which it was a part. As a life-long member of some of the largest clubs of this city, and of other cities, I beg to say that I am heartily in accord with your suggestions in regard to this disturbing problem.

It would so simplify the matter, that the greatest difficulties now before us, in enforcing the laws, would practically disappear. I am not, and I know from personal knowledge that there are many other club members, who are

not in accord with the representatives of St. Louis Clubs, who went to Jefferson City to oppose your idea. It is obvious, that in contending that our clubs do not sell liquor for a profit is not actually in accordance with facts. I do not wish you to understand by this, that I am in any way trying to further the interest of prohibition, for, frankly speaking, I am not in favor of prohibition, but of legislation of the liquor traffic as will and can be easily enforced. I also think that the character and standing of the majority of the members of our leading clubs should lead them to advocate and further any plans on the part of our executive that would make more easy the regulation of this traffic, and that business more decent, and that in my opinion it looks "small" for a body of men of high character to oppose such efforts on account of the cost of a license.

Very respectfully,

(Signed) J. E. THOMSON.

TO THE SENATE

MAY 12, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the Senate:

There have been a number of bills passed by the House relating to the regulation of the business of public service corporations, which are now pending before the Senate, and should be finally passed upon before this General Assembly adjourns.

All these bills, with one exception, relate to railroad companies. Notwithstanding the fact that there has been considerable controversy during the last four years between the railroad companies and the State, I think I can fairly say that none of these measures that are now pending before you is the result of the feelings and prejudices which have been aroused by the controversies of the last four years.

The bills that have been passed by the House, and that are now pending before this body, include the bill prohibiting railroad companies from issuing free transportation, the bill prohibiting discriminations in charges for passenger service, and the bill prohibiting railroad companies from engaging in business other than that of transportation. All that these bills seek to accomplish is to carry into effect provisions of our Constitution. It is provided in the Constitution that no railroad company shall make any discrimination in charges for the transportation of passengers. And, it is made the duty of the legislature to pass laws to carry into effect this provision. This mandate of the Constitution has never been complied with by the legislature, and for thirty-four years this provision of our organic law has been habitually disregarded.

Railroad companies not only granted discriminations in charges for those passengers who were required to pay fare, but they were also guilty of the greatest discrimination possible by charging some passengers a maximum rate allowed by law and carrying other passengers free of charge. And the greater portion of those passengers whom they carried free of charge were not entitled to such discrimination in their favor. The distribution of free passes was generally practiced by the railroad companies for the improper purpose of controlling political and official action.

In 1907, following the enacting of the two-cent passenger rate law and the agreement between the railroads and the representatives of the State for a ninety-day test as to the effect of this law, I, as Attorney-General, asked all of the railroad companies of the State to discontinue the issuance of free transportation to all persons other than employes and those engaged in the works of religion and charity.

And I advised the railroads that if they did not comply with this request that I would institute an injunction suit to restrain them from further continuing this practice in violation of the Constitution of the State. After some objection and delay, I was advised by the representatives of all of the railroads in the State that they would dis-

continue the issuance of passes to persons other than employes and those engaged in the work of religion and charity, and my information was that this agreement was complied with up until the convening of this legislature. Since this legislature convened, I am reliably informed that lobbyists of a number of the railroad companies, and particularly the Missouri Pacific, have been distributing a large amount of free passes to persons who are not entitled to receive the same, and particularly to employes of this General Assembly. On April 10th, 1909, I called the attention of the Attorney-General to this violation of the Constitution and of the agreement made by the railroads with me in 1907, and I am advised by him that he is investigating the matter. While it is possible to accomplish something in the way of a discontinuance of this evil through civil suits instituted either by the Attorney-General or by the prosecuting attorneys of the various counties, yet it is plainly evident, from the continuance of this abuse and the failure of the railroad companies to keep their agreement, that it is necessary that there should be a law passed making it a criminal offense for a railroad company to violate the provisions of our Constitution by giving free passes to some and charging others the maximum rate for passenger service.

The bill that has received the approval of the House was drawn in accordance with the provisions of the Hepburn law prohibiting railroad companies giving free transportation in Inter-state traffic. And, while the excepted class is larger than I should like to see it, it is, in my opinion, advisable that the State law should be in substantial compliance with the other State act.

The act prohibiting other discriminations in passenger traffic in this State is also in execution of a mandate of the State Constitution. It has heretofore been the custom of the railroad companies to impose the heaviest charge in the passenger service on that portion of their traffic which is least able to bear it, while the lower rates have been granted to that portion that is best able to pay. Charges in the passenger service have been fixed without regard to the

cost of the service rendered. And that portion of the passengers who were least able to secure low rates have been charged high rates, and those who have been best able to demand low rates have secured them. This has resulted in a discrimination against the man who rides a short distance, and in favor of the man who rides a long distance. Several laws have been passed prohibiting discriminations in charges for transportation of freight so as to prevent the railroad companies from charging more for the short haul than for a longer haul, but no such provisions have been made in reference to the passenger service. While the legal representatives of the State might endeavor to enforce the provisions of our Constitution prohibiting such discriminations by civil suits, I am satisfied that to accomplish any satisfactory result, it is necessary that there should be enacted such a law as is expressed in the bill now pending before you.

Under the Constitution of this State, railroad companies are denominated public highways and common carriers, and they are limited by the provisions of this instrument to the carrying on of the business of transportation alone. Notwithstanding this fact, the railroad companies in this State have for years engaged in various commercial enterprises, the success of which is dependent, to a large degree, upon railroad transportation. Railroad companies have engaged in the coal mining business in different parts of the State, and the individual who is engaged in a similar business has thus been brought into competition with the railroad companies. The result of such a condition is readily apparent when it is considered that the success of such a business is primarily dependent upon the facility with which cars are secured and the reasonableness with which rates are fixed for the transportation of the coal from the mine to the market. Railroad companies have also engaged in the elevator business in competition with individuals and in other lines of business not necessarily incident to the business of transportation.

In January, 1907, I began a suit in quo warranto in the Supreme Court of the State to compel the Missouri Pacific Railway Company to discontinue its ownership and operation of coal mines and elevators in this State, and also to put an end to a combination between the Missouri Pacific and the Wabash, by which they have consolidated parallel and competing lines and are also owning and conducting the business of the Pacific Express Company upon each line through the common ownership of the stock of said company. After various dilatory pleas had been disposed of, this case was finally argued and submitted to the Supreme Court for decision in May, 1908, and a decision has not yet been rendered. I feel that I can fairly say that the facts stated demonstrate the necessity of the enactment of laws for the correction of the evils herein referred to. I think it has been abundantly demonstrated that the slow processes of the civil courts with the opportunities for evasion and delay conclusively prove that railroad companies should be subjected to the penalties of criminal laws if they grant discriminations in their charges for passenger service or engage in business other than that of transportation.

There is no question of greater importance in our public life today than the question of transportation. It has been truly said that the railroads of the country are "the arteries through which the life blood of commerce flows." And the success or failure of any business, as well as the protection of the people against injustice, depends, to a large extent, upon whether the railroads confine themselves to the business of transportation and carry passengers and freight for fair, reasonable and equal charges.

There is also a bill pending before you which confers upon the board of railroad commissioners the power to fix passenger rates. I prefer to say what I have to say in reference to this bill in connection with the discussion of a bill of far greater importance which has been passed by the House, viz.: The bill creating a public service commission in this State, with power to regulate the conduct

and the charges of railroad companies and other public service corporations. This bill is, in my opinion, the most important bill that has come before this General Assembly, in the last quarter of a century, and if enacted into law, it would accomplish more good for the people and the business interests of the State than any law that has been enacted during that period. In 1875 there was passed a law creating the Board of Railroad and Warehouse Commissioners, with power to establish maximum freight rates. I think it can be fairly said that the manner in which it has performed its duties in connection with the regulation of the charges and the conduct of railroad companies has been far from satisfactory. From 1875 up until 1904 this board even failed to establish a schedule of maximum freight rates, the members of the board apparently taking the position that their power so to do was a doubtful one. In the 42nd General Assembly, in 1903, the dissatisfaction on the part of the people of the State over the failure of the board to bring to the people of Missouri any relief in the matter of freight rates resulted in an active effort to secure the passage of a maximum freight rate law. Through the active efforts of the railroad lobby, and by the methods which afterwards received the condemnation of Governor Dockery, this bill was defeated, and a law was passed making it the duty of the railroad commissioners to establish a schedule of maximum freight rates. In accordance with this mandate of the legislature, the railroad board in 1904 proceeded to establish a schedule of maximum freight rates, but the rates fixed in that schedule brought no relief to the people from the high freight charges to which they had been theretofore subjected. And it was even claimed by some that [the] schedule fixed by the railroad board in 1904 increased, instead of decreased, railroad freight rates. The readiness with which this schedule was accepted by the railroads clearly indicated that it was not objectionable to them, and the fact that much of the freight carried by the railroad companies is carried at lower rates than those fixed by the board in 1904 shows that the charges against this schedule were

well founded. The present chairman of the board of railroad commissioners has frequently stated that he opposed the adoption of this schedule because he thought the rates fixed therein were from 25 to 30 per cent. too high. On account of the dissatisfaction of the people with this schedule of freight rates, the legislature in 1905 passed a maximum freight rate law reducing from 25 to 30 per cent. the freight rates theretofore existing upon commodities such as corn, wheat, oats, lumber, stone, lime, cement, live stock, etc. The enforcement of this law was resisted by the railroad companies, and it has never gone into effect on account of the injunctions issued by the Federal Courts against the officers of the State preventing them from enforcing it.

In 1907 some amendments were adopted to the freight-rate law of 1905, correcting certain inadequacies and discriminations in the rates fixed by that bill. Notwithstanding the fact that these charges were in favor of the railroad companies, the railroads again secured from the Federal Court an injunction against the enforcement of this law, and it has never been complied with by the railroad companies. The result is that there has been no substantial reduction in charges in railroad freight rates in this State in the last quarter of a century, and this, notwithstanding the fact that in Iowa and Illinois the freight rates are from 25 to 30 per cent lower than they are in the State of Missouri.

I have given you this brief review of the efforts of the people of this State to secure reasonable freight rates in order to demonstrate the ineffectiveness of the present system of dealing with this question and of the controversy and confusion that this subject has caused in each legislative body. I feel that it is doing no injustice to the many estimable men who have been members of the Board of Railroad and Warehouse Commissioners to say that there is no reasonable hope for improvement in conditions so long as the present system continues in existence. In making this statement, I do not wish to be understood as saying that all the members of this Board have been incompetent or dishonest, or that the people can not be trusted to elect

proper men to public office. But there is no more reason why the members of a Board, empowered to fix railroad freight and passenger service rates and regulate the business of public service corporations, should be elected by the people than there is that the State Board of Health or the Board of Law Examiners should be elected by the people. In order to get satisfactory public service in such matters, it is necessary that such work should be performed by men of special qualifications and trained by study, investigation and experience for the performance of such duties. What we need on such board is not men who will work against the railroads or for the railroads, but men who will work with the railroads to secure such a fair adjustment and equalization of freight and passenger rates as will result in fair treatment to all classes of our people, all sections of our State, and a reasonable return to the railroad companies upon the value of their investment. That such a result can not be secured through the regulation of railroad freight and passenger rates by legislative enactment, has been abundantly demonstrated by the experience of this and other states. While I do not mean to say that schedules of freight or passenger rates fixed by the Legislature are necessarily wrong, I think that all familiar with this subject will agree that such work can be much more effectively and satisfactorily accomplished through the action of a board composed of trained and experienced men than in the hurry, excitement and confusion often attending upon the work of legislative bodies. The assertions, of course, apply more particularly to the fixing of freight rates than of passenger rates. And yet it is evident that there is much to be done in the classification of rates and the arrangement of passenger schedules that can be better done by an administrative board than by a legislative body. And while I have not, in view of the lack of results secured in the regulation of freight rates by the present Board of Railroad Commissioners, regarded with enthusiasm the proposition of conferring upon that Board the power to fix passenger rates,

yet there can be no question but that it is advisable that this subject should be dealt with in the way I have indicated.

In a majority of the states of the Union which have established boards for regulating the business and charges of railroad companies, it is provided that such boards should be appointive, and not elective. And this is the plan adopted by the National Government. The experience of those states which have had appointive boards has demonstrated that far better results have been accomplished through the work of the boards thus selected. The bill now pending before you, providing for a Public Service Commission, provides for the appointment by the Governor of a commission of five men, not more than three of whom shall belong to one political party. This will always secure minority representation and a preventive against political influences becoming dominant without public criticism. On account of the fact that the present members of the Board of Railroad Commissioners have been elected to their present positions by the people, I have advised the members of this Legislature who have conversed with me upon this subject that, in case this bill became a law, I would appoint as members of the Public Service Commission the present members of the Board of Railroad Commissioners for such time as they have been elected to serve. And in order that it may be made entirely clear that my advocacy of this bill was not for the accomplishment of political results, I have further expressed my willingness to see that the present employes of that department are protected by civil service regulations. In addition to the power conferred upon the members of this Commission to regulate the charges and the conduct of railroad companies, it is also provided that they shall have the power to regulate the charges and conduct of other public service corporations doing business in the State. In 1907 the 44th General Assembly passed a law permitting cities of the first class to provide, by ordinance, for a public utilities board to investigate the charges and service of public service corporations doing business therein, and to recommend to the city law-making body the enact-

ment of proper laws for the regulation of the charges and the conduct of the business of such corporations. In accordance with the power thus conferred, ordinances have been passed, both in Kansas City and the City of St. Louis, creating public utilities boards, and those boards have done some work in the investigation of the charges and the service of public service corporations. But I think I am correct in saying that no law has been passed in either of those cities as the result of the investigation of such boards. I am further satisfied that the system provided for by this enabling act is a cumbersome and ineffective system and so divided responsibility that the people of the large cities can never expect to secure thereby the proper regulation of the public service corporations doing business therein. If, however, it is the desire of the Legislature that a further test should be made as to the effectiveness of the system provided for two years ago, the present bill could be amended so as to provide that it should not apply in any municipality in the State in which there exists a public utilities board created in accordance with the laws of the State. The contest between the public and the public service corporations over the legality of any act of regulation is necessarily an unequal one. And on the part of the public there is usually a lack of continuity of effort due to changing officials and other causes. I feel confident that far better results could be secured if the regulation of the business of public service corporations is left to a high-class appointive board composed of men of experience, so that whenever there should be submitted to the courts a question of the legality of any act of such board, the public could know that its rights would be properly and vigorously represented until the final conclusion of the litigation.

For the last twenty-five years a large portion of the time of each General Assembly has been taken up with the consideration of laws regulating the business of public service corporations. As yet but limited progress has been made. The same questions are coming before this General Assembly in connection with the business and charges of

public service corporations as came before General Assemblies twenty-five years ago. The creation of such a commission as is provided for by the bill now pending before you would, in my opinion, relieve the General Assembly of one-third of the work which has heretofore occupied its time and attention. It would, further, take the question of the regulation of the charges and the business of public service corporations out of politics and place it upon a far more satisfactory basis than has existed in the past and than exists today. The experience of other states, particularly of Wisconsin and New York, demonstrates the advisability and the effectiveness of such a law as is provided for by this bill. And the experience of those states shows the lack of foundation in fact for the fear that has been raised by some that the creation of such a board would result in a dangerous concentration of political and official power. The history of our National, State and municipal governments has demonstrated that a division of responsibility is more likely to result in the improper conduct of public affairs than the concentration of power in the hands of men who must of necessity bear alone the responsibility for the performance of the duties imposed upon them.

It is unfortunate that, by reason of political opposition in the House, these measures have not reached the Senate at an earlier date. And yet the time of this body could be no more profitably occupied than in the consideration of the bills to which I have called your attention. And I feel that this body should consider each and all of these measures and either pass them or defeat them. I believe that I can fairly say that the people have an active interest in these questions and a right to know the position that every member of this General Assembly will take upon them.

There exists today in this State an active controversy between the railroads and State authorities over the question of the constitutionality of laws fixing freight and passenger rates. This controversy has resulted in a conflict of jurisdiction between the State and Federal courts that has aroused feelings and prejudices that are unfortunate and

are to be regretted. And in a less degree, controversies between public service corporations and the various municipalities of the State have tended to create an unsatisfactory condition in business and public affairs. While I do not mean to say that the creation of a Public Service Commission would necessarily bring an end to all these controversies, I do assert that the danger of such controversies arising in the future would be very greatly decreased by conferring upon a high-class appointive board the power to regulate the rates and the service of public service corporations. If men were selected for such a commission who by their character and ability could command the confidence both of the public and of the owners of the businesses they were authorized to supervise, they could, without hesitation or embarrassment, resist popular prejudice and also secure, without legal controversy, an obedience to their orders and decrees. That it is both the right and the duty of the people to regulate the charges and the service of public service corporations is no longer open to controversy. The only question that remains for decision is as to how this work can best be performed, and I am satisfied that if the plan that I have herein suggested is adopted, that this work will be put upon a better basis than in the past, with results beneficial both to the people and the business interests of the State.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

(Signed)

TO THE HOUSE OF REPRESENTATIVES

MAY 17, 1909

From the Appendix to the Journals of the General Assembly, 1909

To the House of Representatives of the Forty-fifth General Assembly:

Four years ago the 43rd General Assembly passed a law providing for the protection of game and fish and establishing a system of game wardens for the enforcement of this law. That this law accomplished a useful purpose in the protection and preservation of the game and fish of the State is conceded by all who are familiar with the facts, and I think it can be fairly said that the law, as finally construed by the Supreme Court of the State, was satisfactory to the people as a whole. A measure of opposition, however, was aroused by reason of the action of the State Game Warden in placing certain extreme and forced constructions upon the law which were subsequently not sustained by the Supreme Court of the State. This opposition was taken advantage of by those who from selfish interests had opposed the enactment of the law for the purpose of creating the impression that the people of the State were in favor of the repeal of the law. As a result, the game law which was enacted in 1905 was, by a close vote, repealed in 1907, and a new law was enacted. This law differed from the Act of 1905 primarily in that it permitted the sale of game in the county in which it was killed and practically committed the enforcement of the law to the sheriffs of the several counties. Certain minor changes were also made in the law in reference to the open and closed season, for the killing of game and the catching of fish. The result of this change has been that during the last two years there has been practically no protection to the game and fish of this State. Quail and other game birds have been slaughtered in large numbers throughout the State and sold upon the

markets of the large cities through game dealers regularly engaged in this business. And with no officers specially charged with the duty of enforcing the law, the provision as to the open and closed season for the killing of game has been frequently disregarded throughout the State. The result is that the wild game of the State is being rapidly killed off, to the marked injury of the agricultural and horticultural interests.

This question has, therefore, presented itself for the consideration of this General Assembly, and what is, in my opinion, a most excellent game law has received the approval of the Senate and is now pending before the House. It is important in the consideration of this bill that the members of the General Assembly should disabuse their minds of the impression, should it exist, that laws for the protection of game and fish are solely in the interest of the hunter and the fisherman. While all true sportsmen are naturally interested in proper legislation against the indiscriminate slaughter and sale of game and fish, their interests are small as compared with the interests of the farmer and the fruit grower. For the value of birds to the agriculturist and the horticulturist is no longer a matter of speculation. Scientific investigations have placed beyond question the importance of the service rendered by birds in keeping down the flood of insects and weeds that assail and injure the crops and the fruits. Without the aid of birds the production of harvests of grain and yields of fruit would, in a short time, become difficult, if not impossible. Scientific investigations on this subject have shown that plagues of insects bear a direct relation to the protection or destruction of birds. The United States Department of Agriculture estimates that the loss to the farmers and fruit growers of the United States last year through unnecessary destruction of birds amounted to $800,000,000. And the one state of Texas lost in one year on its cotton crop from the ravages of one insect, the boll-weevil, $50,000,000. The loss incurred by insects each year costs the people of Missouri

about half their fruit crop. The existence of the insects which accomplish these losses can be largely avoided by the prevention, through a proper game law, of the destruction of the birds which make the existence of these insects in large numbers impossible.

It is important to note that the interests of the sportsman, the farmer and the fruit grower are in this matter identical. The sportsman has been a moving influence in securing the enactment of proper game laws for the protection of birds and fish, and it is through fees paid by the hunters and the fishermen that the enforcement of these laws has been made possible. It is not the killing of game by sportsmen that results in its decrease in numbers, but it is through the slaughter that is done by the market hunters and at the instance of those who would profit by the traffic in game. And it has been shown by experience that to permit the sale of game upon the open market necessarily leads to its destruction. The fate of the passenger pigeon has abundantly demonstrated the truth of this fact.

While the present law prohibits the sale of game, except in the county where the game is killed, this provision is neither enforced nor observed. The difficulties incident to ascertaining the locality from which game comes, in effect, makes this provision of little or no value. It is better that there should be no provision upon this subject than that the present impracticable, ineffective and insincere restriction should exist. That a game law necessary to accomplish a useful purpose must result in each individual yielding something of interest and opinion is, of course, entirely true. This result is necessary in all legislation. Each must yield something in order to secure an equitable average for the whole. When we consider the varied conditions existing in this State and the many diversified interests affected, it is at once apparent that all the diverse and individual opinions cannot prevail, but that any law upon this subject must be a composite blend of all. The one universal point of agreement on the part of all those who would secure the

proper protection of the wild life of the State is the prevention of its sale. Game should not be the subject of commerce. It belongs to the State and should be protected and preserved for the benefit of all the people. Its sale benefits a very limited class, and the prices demanded for it place it within the reach of the wealthy alone. The preservation of game is not only a benefit to the farmer and the fruit grower, but it furnishes a stimulus and a healthy desire for out-of-door sports, for the field, the forest and the stream and for the education of the people in the proper use of firearms which is necessary and advisable in the life of any state or nation.

The bill now pending before the House, known as Senate bill No. 80, in my opinion, meets with the requirements of the situation and has received the approval of those most interested in this subject from an unselfish standpoint. It has been approved by the United States Department of Agriculture, the Missouri Valley Horticultural Society and other similar state and national organizations. It has received the approval of the League of American Sportsmen, the State League of Sportsmen, the National Association of Scientific Angling Clubs, and many other associations of hunters and fishermen. It contains the principal provisions of the model law advocated by the National Association of Audubon Societies and the American Ornithological Union, which is today the law in thirty-two of the states of the Union. This act would, in my opinion, accomplish all the useful purposes and results of the act of 1905, and is free from those objections and faults which were contained in that act and which were incident to its enforcement.

A fair and conservative enforcement of the proposed law, which I can assure you will result in case the present bill is passed would, in my opinion, bring back to the people of Missouri much of the game and the birds that they have lost, would greatly increase the output of the farm and the field, make for the protection of our orchards and our vines

and bring a sufficient supply of fish and game birds within the easy access of all the people.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 17, 1909

From the Journal of the Senate, p. 1955

To the Senate and House of the Forty-fifth General Assembly:

In answer to the inquiry of the committees of the Senate and House as to whether I have any further communication to submit for your consideration, I wish to say that I have but one and that is to extend to the members of the 45th General Assembly my best wishes and Godspeed for the future.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 12, 1911

From the Journal of the Senate, p. 18

January 12, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Edwin W. Lee of St. Louis as Excise Commissioner of the city of St. Louis, vice William B. Homer, resigned.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 12, 1911

From the Journal of the Senate, p. 18

January 12, 1911.

To the Senate:

I have the honor to advise that I have, by and with the advice and consent of the Senate, made the recess appointments, as shown by the list hereto attached, which I herewith submit for your consideration.

Respectfully,

HERBERT S. HADLEY,
Governor.

RECESS APPOINTMENTS

Appointed May 20, 1909.—Dr. Frank B. Hiller, Kahoka, member of the State Board of Health for a term of four years from April 18, 1909, vice Dr. R. H. Goodier.

Appointed May 20, 1909.—Dr. Ernest F. Robinson, Kansas City, member of the State Board of Health for a term of four years from April 18, 1909, vice Dr. W. S. Thompson.

Appointed May 20, 1909.—W. W. Williams, Sedalia, State Factory Inspector for a term of four years from May 13, 1909, vice J. W. Sikes.

Appointed June 1, 1909.—William Lang, Farmington, member Board of Managers of State Hospital for Insane No. 4, Farmington, for a term of four years from April 28, 1909, vice T. P. Russell.

Appointed June 1, 1909.—Green B. Greer, Sikeston, member Board of Managers, State Hospital for Insane No. 4, Farmington, for a term of four years from April 28, 1909, vice John P. Clark.

Appointed June 1, 1909.—B. B. Cahoon, Fredericktown, member Board of Managers, State Hospital for

Insane No. 4, Farmington, for a term of four years from April 28, 1909, vice Paul P. Hinchey.

Appointed June 5, 1909.—J. R. Ferguson, Springfield, member Board of Trustees of the Federal Soldiers' Home, St. James, for a term of four years from February 1, 1909, to succeed himself.

Appointed June 19, 1909.—Sherman T. Gresham, Farmington, Supervisor of Building and Loan Associations for a term of four years from June 20, 1909.

Appointed July 12, 1909.—Mrs. Walter McNab Miller, Columbia, member of the State Board of Charities and Corrections for a term ending January 1, 1913, vice Gennie Lee Rudd, resigned.

Appointed July 15, 1909.—Dr. C. C. Leeper, Braymer, member of the Board of Control of the State Industrial Home for Girls, Chillicothe, for a term ending February 1, 1915, vice Mrs. I. R. Slack.

Appointed July 15, 1909.—Arthur B. Shepley, St. Louis, member of the Board of Managers of the Missouri School for the Blind, St. Louis, for a term ending February 1, 1913, vice J. C. L. Boehm.

Appointed July 16, 1909.—M. O. Ricketts, St. Joseph, member Board of Managers of the State Industrial Home for Negro Girls for a term of three years from August 16, 1909.

Appointed July 16, 1909.—C. G. Williams, Boonville, member Board of Managers of the State Industrial Home for Negro Girls for a term of three years from August 16, 1909.

Appointed July 16, 1909.—Mrs. Victoria Clay Haley, St. Louis, member of Board of Managers of the State Industrial Home for Negro Girls for a term of two years from August 16, 1909.

Appointed July 16, 1909.—Mrs. Frances J. Jackson, Kansas City, member Board of Managers of the State Industrial Home for Negro Girls for a term of two years from August 16, 1909.

Appointed July 16, 1909.—T. C. Unthank, Kansas City, member Board of Managers of the State Industrial Home for Negro Girls for a term of three years from August 16, 1909.

Appointed July 17, 1909.—S. Duffield Mitchell, Carthage, member of the Board of Managers of the Bureau of Geology and Mines for a term of four years from May 22, 1909, vice L. F. Cottey.

Appointed July 19, 1909.—Charles E. Zinn, Kansas City, member of the State Board of Pharmacy for a term of five years from August 16, 1909.

Appointed July 26, 1909.—Cuthbert Childs, St. Louis, member of the Board of Mediation and Arbitration for a term of three years from May 1, 1909, vice Joseph Pope.

Appointed July 26, 1909.—Rush C. Lake, Kansas City, Inspector of Petroleum Oils for a term of four years from August 16, 1909.

Appointed July 27, 1909.—Dr. William P. Cutler, Kansas City, State Food and Drug Commissioner for a term of four years from August 16, 1909.

Appointed July 28, 1909.—Dr. L. E. Bunte, St. Louis, member of the State Board of Health for a term of four years from April 18, 1909, vice Dr. J. T. Thatcher.

Appointed July 29, 1909.—Christen Hanson, Conway, Commissioner of Immigration for a term of four years from August 16, 1909.

Appointed August 5, 1909.—William Mittlebach, Boonville, member State Board of Pharmacy for a term of four years from August 16, 1909, vice Adolph Brandenberger.

Appointed August 26, 1909.—Jesse A. Tolerton, Branson, State Game and Fish Warden for a term of four years from August 16, 1909.

Appointed September 7, 1909.—H. W. Servant, Sedalia, member State Board of Pharmacy for a term of three years from August 16, 1909.

Appointed September 8, 1909.—Dr. Katharyn V. Standly, Brookfield, member Board of Control of the State

Industrial Home for Girls, Chillicothe, for a term ending February 1, 1911, vice Mrs. R. H. Kern, resigned.

Appointed September 16, 1909.—Leonard D. Murrell, Marshall, member Board of Managers of the Colony for Feeble-Minded and Epileptics for a term of four years from August 21, 1909, vice George T. Lee.

Appointed September 17, 1909.—Oscar G. Burch, Jefferson City, member Board of Regents, Normal School, District No. 2, Warrensburg, for a term of six years from January 1, 1909, to succeed himself.

Appointed September 18, 1909.—W. H. Garanflo, New Madrid, member Board of Regents, Normal School, District No. 3, Cape Girardeau, for a term of six years from January 1, 1909, vice David W. Hill, resigned.

Appointed October 1, 1909.—Granville M. Smith, Kansas City, member Board of Managers of State Hospital for Insane No. 3, Nevada, for a term ending February 1, 1913, vice Howard Gray, resigned.

Appointed October 23, 1909.—Frank Blake, Kansas City, Superintendent of the Insurance Department for a term beginning November 1, 1909, and ending March 1, 1913, vice John Kennish, resigned.

Appointed October 23, 1909.—Dr. Frank B. Fuson, Springfield, member of the State Board of Health for a term of four years from April 18, 1909, vice Dr. Frank J. Lutz.

Appointed December 18, 1909.—John H. Bovard, Kansas City, member Bureau of Geology and Mines for a term ending May 22, 1913, vice F. P. Graves, resigned.

Appointed December 22, 1909.—William L. Chambers, St. Louis, Pardon Attorney for a term ending January 11, 1911, vice Frank Blake, resigned.

Appointed January 4, 1910.—Henry W. Blodgett, St. Louis, member of the Board of Election Commissioners for a term of four years from January 15, 1909, vice Benjamin Schnurmacher.

Appointed January 7, 1910.—Henry Fairback, St. Louis, member of the Board of Trustees of the Federal

Soldiers' Home, St. James, for a term ending February 1, 1913, vice Charles F. Vogel, resigned.

Appointed March 21, 1910.—Jay L. Torrey, Fruitville, member Board of Trustees of the Fruit Experiment Station for a term of six years from November 15, 1909, vice Joseph Knoerle.

Appointed March 24, 1910.—Mrs. Atlanta E. Hecker, St. Louis, member of the Board of Managers, Missouri School for the Blind, St. Louis, for a term ending February 1, 1913, vice Mrs. Mary W. Mirick.

Appointed April 4, 1910.—John Montgomery, Sedalia, member of the Board of Regents, Normal School, District No. 2, Warrensburg, for a term ending January 1, 1913, vice C. C. Dickinson, resigned.

Appointed April 12, 1910.—John D. McNeely, member of the Board of Police Commissioners of St. Joseph for a term ending April 20, 1912, vice Frank B. Fulkerson, resigned.

Appointed April 14, 1910.—McCord L. Coleman, Aurora, member of the Board of Managers of the Missouri State Sanatorium, Mt. Vernon, for a term ending April 12, 1913, vice W. D. Craig.

Appointed April 16, 1910.—William T. Ford, Chillicothe, member of the Board of Control of the Industrial Home for Girls, Chillicothe, for a term ending February 1, 1911, vice Thomas J. Hodge, resigned.

Appointed April 26, 1910.—Solon T. Gilmore, member of the Board of Police Commissioners of Kansas City, to hold for a term ending February 9, 1911.

Appointed May 21, 1910.—Thomas K. Niedringhaus, St. Louis, member Board of Managers of the Missouri School for the Blind, St. Louis, for a term ending February 1, 1913, vice James C. Jones, resigned.

Appointed June 16, 1910.—Philip N. Moore, St. Louis, member Board of Managers Bureau of Geology and Mines for a term of four years from May 22, 1909, vice E. M. Shepard.

Appointed June 23, 1910.—William W. Wilder, Ste. Genevieve, State Beer Inspector, to hold for the unexpired term of Ernest Marshall, resigned.

Appointed June 25, 1910.—W. C. Bender, St. Joseph, member of the State Board of Pharmacy for a term ending July 2, 1915, vice William L. Turner.

Appointed July 13, 1910.—J. H. Price, Stanberry, member of the Board of Mediation and Arbitration for a term of three years from May 1, 1910, vice W. P. Stapleton.

Appointed July 13, 1910.—Dr. M. P. Overholser, Harrisonville, member of the State Board of Health for a term of four years from July 1, 1910, vice Dr. A. H. Hamel.

Appointed July 13, 1910.—Dr. Ira W. Upshaw, St. Louis, member of the State Board of Health for a term of four years from July 1, 1910.

Appointed August 6, 1910.—Louis Benecke, Brunswick, member of the Board of Trustees of the Federal Soldiers' Home, St. James, for a term ending February 9, 1913, vice W. F. Henry, resigned.

Appointed August 26, 1910.—Dr. John Ashley, Bloomfield, member of the State Board of Health for a term of four years from July 1, 1910, vice Dr. J. A. B. Adcock, resigned.

Appointed November 25, 1910.—Theodore Remley, Kansas City member of the Board of Police Commissioners of Kansas City for a term ending February 1, 1911, vice Thomas R. Marks, resigned.

Appointed November 28, 1910.—Charles E. Haskins, Koshkonong, member of the Board of Trustees of the Fruit Experiment Station for a term ending November 15, 1913, vice W. C. Paynter, resigned.

Appointed December 3, 1910.—William L. Morsey, Warrenton, member of the State Board of Immigration for a term of four years from August 16, 1909, vice W. H. Johnson, resigned.

Appointed December 3, 1910.—G. M. Sebree, Springfield, member of the State Board of Immigration for a term

of four years from August 16, 1909, vice John H. Curran, resigned.

Appointed December 21, 1910.—Washington M. Wade, Ozark, member Board of Regents, Normal School, District No. 4, Springfield, for a term ending January 3, 1913, vice Norman Gibbs, deceased.

Appointed December 5, 1910.—George A. McCanse, Mt. Vernon, member Board of Managers of the Missouri State Sanatorium, Mt. Vernon, for a term of three years from April 12, 1910, vice S. H. Minor.

Appointed January 2, 1911.—Carl Weigel, member of the Board of Police Commissioners, St. Joseph, for a term of three years from April 28, 1910, vice G. L. Zwick, resigned.

Appointed January 3, 1911.—Charles D. Matthews, Jr., Sikeston, member Board of Regents, Normal School, District No. 3, Cape Girardeau, for a term of six years from January 1, 1911, vice John C. Brown.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 12, 1911

From the Appendix to the Journals of the General Assembly, 1911

To the Senate and House of Representatives of the 46th General Assembly:

I am in receipt of a communication from Honorable P. C. Knox, Secretary of State of the National Government, enclosing a certified copy of a resolution of Congress entitled: "Joint Resolution Proposing an amendment to the Constitution of the United States," which is as follows:

> "Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of each House concurring therein), that the following article is

proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution:

'Article XVI. The Congress shall have power to levy and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration'."

In accordance with the request contained in this communication, I submit this joint resolution to you for your consideration, and for such action as you may deem advisable.

The purpose of this resolution is to secure the adoption by the several states of an amendment to the Constitution of the United States authorizing Congress to "lay and collect a tax upon incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration." Prior to the decision of the Supreme Court of the United States in 1895, it was generally conceded that the National Congress had the power to impose a tax upon incomes, without apportionment among the several states and without regard to any census or enumeration, and this power had been theretofore exercised by the National Congress, and the constitutionality of the income tax law passed in 1864 was sustained by a decision of the Supreme Court of the United States. But in 1895 the Supreme Court, in the case of Pollock vs. Farmers Loan and Trust Co., 157 U. S. 429, by a five to four decision, held the income tax law passed by Congress in 1894 to be unconstitutional in that, in not excepting incomes derived from real estate, it was, in effect, a direct tax, and, therefore, invalid without apportionment among the several states, and in not excepting incomes derived from state and municipal bonds, it was repugnant to the Constitution.

In response to a general demand from the people of the country and by the almost unanimous action of the National Congress upon the 5th of July, 1909, this proposed amendment to the Constitution is now being submitted to the Legislatures of the several states for adoption or rejection. It has already been ratified by seven states, Illinois, Georgia, Alabama, Maryland, South Carolina, Oklahoma and Mississippi, and it was rejected by the Legislatures of Virginia and New York by a very small majority, and already efforts are being made in both of these states to reconsider at the coming sessions of the Legislatures the question of the adoption of this amendment. The latest platforms of both political parties in Ohio, Maine, Iowa, New Hampshire, Indiana, Wisconsin, Montana, Kansas, Idaho, Nevada, North Dakota and Colorado declared in favor of its adoption, and the Republican party in California and Utah, and the Democratic party in Connecticut, Minnesota, Pennsylvania, Massachusetts, Nebraska, Rhode Island, Vermont and Tennessee declared in favor of it.

While no declaration was contained in the platform of either party in this State at the last general election with reference to this proposed amendment, it is my opinion that a large majority of the people of this State are in favor of its adoption. I believe in the justice and the fairness of a tax upon incomes, and particularly do I believe that the power to impose such a tax, without the limitations and restrictions which now exist under the Federal Constitution, should belong to the National Government. Such a power is not only indispensable to the National Government in times of war and great national calamity, but, in my opinion, it is a power that should be exercised for the purpose of imposing upon certain classes of wealth a tax to which they would not otherwise be subject and which will also result in a more equal distribution of the burdens of taxation.

Various objections have been offered to the adoption of this amendment. The one which has particularly attracted the attention of the country, which doubtless largely contributed to the defeat of the resolution in favor of

the adoption of this amendment in the Legislature of New York, was that urged by Governor, now Justice, Charles E. Hughes, of that state, in his message to the Legislature. The objection therein offered was that if this amendment to the National Constitution was adopted it would confer upon the National Government the power to levy a tax upon incomes derived from state and municipal bonds. And in his opinion, he deemed it inadvisable to confer upon the National Government the power to tax the instrumentalities and means of state governments, and for that reason he objected to it. I do not believe that objection therein urged is likely to arise as a result of the exercise of this power by the National Congress if conferred, and if it should arise, it is my opinion that, under the decisions of the Supreme Court of the United States, it is not well founded in law. And this is the position that has been taken by some of the leading lawyers of the country and by some of the most prominent representatives in the National Congress in the discussions of this question.

Under the provisions of the National Constitution, Congress possesses the power to tax, subject only to one exception and two express qualifications. It cannot tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. But that this power has not been, and cannot be, exercised by imposing a tax upon the means and instrumentalities of state government is due to controlling principles which are interwoven with and a part of the texture of our system of dual sovereignties and which are in nowise changed by this amendment, nor could they be by any words which are contained in it.

The decisions of the Supreme Court of the United States leave, in my judgment, no room for doubt upon the proposition that it is not within the power of the National Government, and would not be within the power of the National Government in case of the adoption of this amendment, to impose a tax upon the means or instrumentalities of government of the several states. for the reason that to

do so would present the anomaly of one sovereignty taxing the means or instrumentalities of another sovereignty.

In the case of McCulloch vs. Maryland (4 Wheat.), the great Chief Justice Marshall, in the discussion of this question, said:

"There is no express provision of the Constitution for the case, but the claim has been sustained on a principle which so entirely pervades the Constitution, is so intermixed with the materials which compose it, so interwoven with its web, so blended with its texture, as to be incapable of being separated from it without rending it into shreds."

In Railroad Company vs. Peniston (18 Wallace, 31), the Supreme Court said:

"The states are, and they must ever be, coexistent with the National Government. Neither may destroy the other. Hence the Federal Constitution must receive a practical construction. Its limitations and its implied prohibitions must not be extended so far as to destroy the necessary powers of the State or prevent their efficient exercise."

Again, the same Court, in United States vs. Railway Company (17 Wallace, 327), said:

"The right of the states to administer their own affairs, through their legislative, executive and judicial departments, in their own manner, through their own agencies, is conceded by the uniform decisions of this court and by the practice of the Federal Government from its organization. This carries with it an exemption of those agencies and instruments from the taxing power of the Federal Government."

And in the construction of the revenue act of 1898, providing that a stamp tax of fifty cents should be imposed upon bonds of any description, it was held that the tax could not be required upon a dramshop keeper's bond required by the statutes of the State, notwithstanding this law. The language of the court in deciding this question is United States vs. Owen, 100 Fed. Rep. 70, being as follows:

"These cases establish the principle that the great law of self-preservation, the inherent attribute of sovereignty, exempts any and all means and instrumentalities of state government from Federal taxation."

And in a leading case bearing upon this question of Collector vs. Day, 11 Wallace, the court, in concluding its discussion of this question, said:

"It is admitted there is no express provision in the Constitution that prohibits the general government from taxing the means and instrumentalities of a state, nor is there any prohibiting the state from taxing the means and instrumentalities of the government. In both cases the exemption rests upon necessary implication and is upheld by the great law of self-preservation, as any government whose means employed in conducting its operations, if subject to the control of another and distinct government, can exist only at the mercy of that government."

In the light of these and other adjudications, it impresses me as a legal proposition that it is reasonably clear that if the objection urged by the able Governor of New York were an objection which was likely to arise, it is not an objection that is well founded in law, for the reason that with the power to tax incomes conferred by this amendment, the Supreme Court of the United States would not so construe it as to authorize the National Congress to impose a tax upon the instrumentalities or means of State government. To do so would do violence to the rules laid down by the Supreme Court for a hundred years, destroy the object and purpose for which the whole instrument was framed and violate those principles upon which our system and form of government is builded. But, even were the law otherwise, I believe the people could safely trust to their representatives in Congress not to exercise the power herein conferred in a way that would be unjust or unfair to the State governments or to any political subdivision thereof. The National Congress is composed of representatives selected by the people of the several states, and they are

as much the representatives of the people of the several states as are their representatives in state government.

This amendment to the Constitution, if adopted, is of course, not self-enacting. It requires legislation to make it effective, and the laws which would be passed by the National Congress in the execution of the power conferred by this amendment will presumably be enacted with due consideration for the principles laid down by the decisions herein referred to, principles which are inherent in our system and form of government.

Another objection which has been offered to this amendment, or rather to a tax upon incomes, is that it requires the exercise of inquisitorial powers into the private business affairs of those affected by it. There is no question, in my opinion, of the right of the National Congress, under this amendment, to make such exemptions as will relieve those in moderate circumstances from the burdens of this tax, and our present system of State and local taxation is no less inquisitorial in its character than would be the system necessary for the collection of a tax upon incomes. The last Congress imposed a tax upon the incomes of corporations, and the inquisitorial character of that law has not been found objectionable in practice or injurious to the personal or property rights of any citizen.

It is a fact well known to all who have investigated the operation of our system of State taxation that great fortunes and great wealth do not bear their burden of taxation in the same proportions as does the property of the citizen of ordinary means. That the imposition of an income tax would not entirely correct this inequality in the burdens of taxation is entirely true. That it would do much to bring about such a result, I think, is conceded by all familiar with the operation of such a law in many of the enlightened and progressive nations of the world.

The manner in which this tax should be imposed is, of course, with the National Congress. It can be imposed, not only with exemptions of the incomes of those of ordinary means, but it can also be graded so as to increase in amount

with the increase in the amount of the incomes. And such a law would, in my opinion, be not only wise and just as tending to more equally distribute the burdens of taxation, but because it would also tend to prevent the accumulation of great fortunes and contribute to the proper distribution of wealth.

I submit herewith a form of the resolution in favor of the adoption of this amendment that has been used in the states that have declared in favor of it.

I also submit herewith a certified copy of this resolution, received from the Secretary of State of the National Government.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1911

From the Journal of the Senate, pp. 25-26

To the Senate and House of Representatives of the Forty-sixth General Assembly:

In compliance with the provisions of section 6887, R. S. 1909, which requires that I shall submit to the Legislature within ten days after the next meeting thereof a report of the affairs of the Insurance Department by the Superintendent of that Department, I submit to you herewith such report, which was made to me on April 8, 1910.

This report is made by the Superintendent of Insurance in compliance with the provisions of this statute and contains the information therein specified. The statute provides that not exceeding two thousand copies of such report shall be published by and subject to the order of the Superintendent at the expense of that Department. I understand that this report has been printed and partially dis-

tributed, but that the Superintendent of Insurance has on hand at this time a sufficient number of copies to supply the members of the General Assembly. The first thirty-three pages of this report contain all the information and suggestions of a general character which the Superintendent of Insurance is required by law to furnish, and as the other portions of the report are purely statistical in their character, it will, of course, be unnecessary that the time of the General Assembly should be occupied with a reading of this statistical matter.

I invite your attention to the recommendations made by the Superintendent of Insurance for additional legislation with reference to insurance matters, and particularly as to the necessity of the enactment of a law which will give to the Superintendent of Insurance some control over insurance companies in process of organization. Through the exaction of unreasonable commissions by the promoters who are authorized to dispose of the stock in such companies, the surplus which the stockholder is led to believe will be on hand when the company starts business is unduly reduced at the very beginning of the business of the company.

The regulation by the State of the rates of insurance is also comprehensively treated of in this report, and the question is one which well deserves the careful consideration of this General Assembly. There has been a growing conviction that the business of insurance is a business impressed with a public use, and that the rates should be subject to supervision and regulation by the State, as are the charges of public service corporations. The method in which this subject should be worked out is more difficult to agree upon than is the correctness of the principle herein asserted. It is my opinion that it will be advisable not to impose too much of a burden upon public officials in the fixing of the rates of insurance in the first instance, and that the prevention of injustice to the public, by securing to them equal and reasonable rates of insurance, can be accomplished by requiring a schedule of all rates to be filed in the Insurance

Department, with power conferred upon the Superintendent of Insurance requiring changes to be made therein upon his own initiative, or upon the complaint of any interested party; such changes to be made, of course, only after a hearing and with the limitation that the rates fixed must, in all cases, be reasonable and just.

It is also with satisfaction that I call your attention to the fact that in the report made by Superintendent Blake it appears that there has been a very substantial increase in the revenues derived by the State from this Department, as well as a decrease in the expenses incident to the conduct of the Department, as compared with the last preceding period.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

JANUARY 16, 1911

From the Journal of the House of Representatives, p. 88

CITY OF JEFFERSON, January 16, 1911.

To the Members of the Forty-sixth General Assembly:

The Governor and Mrs. Hadley extend to the members and officers of the Senate and House of Representatives of the Forty-sixth General Assembly and their families an invitation to the reception to be given at the Executive mansion on Thursday evening, January 19, 1911, at eight o'clock, in honor of the members of the Forty-sixth General Assembly.

TO THE GENERAL ASSEMBLY

JANUARY 20, 1911

From the Journal of the Senate, pp. 62-63

To the Forty-sixth General Assembly:

In accordance with the provisions of the Constitution, section 8, article V, I communicate to you herewith a list of the commutations, pardons, paroles, sick paroles and transfers of convicts from the penitentiary to the Training School for Boys at Boonville and to the State hospitals for the insane.

In conveying to you this information, it will not be inappropriate to call your attention to certain facts which have a direct bearing upon questions of legislation which will come before this General Assembly.

From the first of January, 1909, to December 31, 1910, I have granted only one unconditional pardon; 194 prisoners have been paroled from the penitentiary, exclusive of the 58 sick paroles granted; 10 prisoners were transferred to the Training School for Boys, and 48 were transferred to the hospitals for the insane upon certificates of the prison physician that they had become mentally deranged. Of the 194 paroles granted, 88 were granted between the first of January, 1909, and July 28, 1910. About that time I instituted an investigation as to the number of prisoners under the age of 25 years who were confined in the penitentiary and was surprised to learn that there were over 500 boys, ranging from 18 to 25 years of age, many of whom were serving sentences for their first violation of the law. I thereupon undertook to do what I could to bring about a correction of these conditions by granting paroles to youthful and first offenders, who had been convicted of minor violations of the law, wherever some reliable citizen could be induced to give them employment and be responsible for their conduct.

From July 28, 1910, to January 1, 1911, 71 boys under the age of 25 years have been paroled from the penitentiary, and employment has been secured for them either on farms or in some other proper and honorable occupation. In addition, I have during that period paroled 35 prisoners over the age of 25, most of whom, however, were under the age of 30, for whom employment has also been secured upon farms or in other honorable occupations with responsible citizens.

Of the 88 paroles granted between January 1, 1909, and July 28, 1910, it has been necessary to revoke 4; and of the 106 that were granted between July 28, 1910, and January 1, 1911, only two have been revoked. Reports have been received from most of those released upon paroles every ninety days, both from the person to whom the prisoner has been paroled and from the prisoner himself.

I mention these facts in order to suggest the necessity of making an appropriation this year for the salary and traveling expenses of a probationary or parole officer, who should be appointed by the Warden of the penitentiary, whose duty it should be to see that the conditions of these paroles are being kept and to secure employment for boys in the penitentiary to whom paroles would be readily granted if such employment was secured. All of this work is at the present time done by Mr. W. L. Chambers, the Pardon Attorney, but the work incident to examining and reporting upon the two thousand applications for executive clemency that are always on file in my office has prevented an extension of this system of paroles to the extent to which I should like to see it.

The conditions that now exist in the penitentiary, which I have thus endeavored to correct, also emphasize the necessity of providing for a state reformatory in which some five or six hundred of the youthful offenders in the state penitentiary could be placed, as well as something like one hundred of the older boys now confined in the training school at Boonville, whose experience in crime and criminal tendencies largely impair the value of that institution and renders

more difficult the problems to be dealt with by those in charge of it. The establishment of such an institution as a state reformatory is also necessary in that the Missouri penitentiary is the largest penitentiary in the world in the number of convicts confined within one institution. The buildings are inadequate for the proper housing of the 2,300 convicts now confined there, and in the summer time conditions are such as to result in positive suffering and physical injury of the convicts confined there. If some five or six hundred of those now confined there were transferred to another institution, it would relieve this congested condition and make possible the better care and management of those who would remain in the penitentiary.

Another reason which makes the establishment of this reformatory necessary and advisable is that it would provide a method by which the present system of contract labor, now in practice in the State penitentiary, could be abandoned. Both the Democratic and Republican parties have declared in favor of the abandonment of this system in their last two State platforms, and those promises should, of course, be carried out. To provide, however, a satisfactory substitute for the present system of contract labor in the State penitentiary is a difficult problem to deal with. If a state reformatory should be established, employment other than that of contract labor could be provided for the inmates therein and the system could then be gradually extended to the penitentiary.

These questions were referred to in a general way in my biennial message to this General Assembly, but I refer to them again in transmitting to you this list of pardons and paroles, which I am required by the Constitution to submit for your consideration, as the subject is one which well deserves your careful consideration and investigation.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1911

From the Appendix to the Journals of the General Assembly, 1911

To the Senate and House of Representatives:

In compliance with the provisions of section 8, article 5 of the Constitution of Missouri, I have the honor to transmit to you (through the House of Representatives) a report of the reprieves, commutations and pardons granted by me during the last two years of my administration, 1909 and 1910.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

JANUARY 23, 1911

From the Journal of the Senate, p. 75

January 23, 1911.

To the Forty-sixth General Assembly:

In accordance with the provisions of the statutes, I herewith submit, for your consideration and for such action as you may deem advisable, on behalf of the Bureau of Geology and Mines, the biennial report of the State Geologist.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

JANUARY 23, 1911

From the Journal of the Senate, p. 93

January 23, 1911.

To the 46th General Assembly:

At the request of the State Board of Charities and Corrections, I herewith submit its seventh biennial report for your consideration and such action as you may deem advisable.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 25, 1911

From the Journal of the Senate, p. 92

January 25, 1911.

To the Senate:

I have the honor to advise you that as Dr. John Ashley has resigned as a member of the State Board of Health, I, therefore, withdraw from your consideration his name, which I have heretofore submitted as a member of that board.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 25, 1911

From the Journal of the Senate, p. 93

January 25, 1911.

To the Senate:

I have the honor to advise you that as W. H. Garanflo has resigned as a member of the Board of Regents of Normal School District No. 3, Cape Girardeau, I, therefore, withdraw from your consideration his name, which I had heretofore submitted as a member of this Board.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, p. 163

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. J. C. Parrish, of Vandalia, to succeed himself as a member of the Board of Curators of the University of Missouri for a term of six years from January 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, p. 163

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed C. B. Rollins, of Columbia, to succeed himself as a member of the Board of Curators of the University of Missouri for a term of six years from January 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, p. 163

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed John E. Frost, of Plattsburg, as a member of the Board of Managers of State Hospital No. 2, at St. Joseph, for a term of four years from February 1, 1911, vice R. L. Spencer.

Very truly yours,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, p. 163

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Ernest M. Lindsay, of St. Joseph, as a member of the Board of Managers of State Hospital No. 2, at St. Joseph, for a term of four years from February 1, 1911, vice W. K. Amick.

Very truly yours,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, p. 163

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed B. F. Murdock, of Platte City, to succeed himself as a member of the Board of Managers of the State Confederate Soldiers' Home, at Higginsville, for a term of four years from February 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, pp. 163-164

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed P. H. Franklin of Marshall, as a member of the Board of Managers of the State Confederate Soldiers' Home at Higginsville, for a term of four years from February 1, 1911, vice J. P. Woodside.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, p. 164

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Thomas B. Rodgers, of St. Louis, as a member of the Board of Managers of the State Federal Soldiers' Home, at St. James, for a term of four years from February 1, 1911, vice F. C. Bartlett.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 30, 1911

From the Journal of the Senate, p. 164

January 30, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Sam A. Clark, of Carrollton, as a member of the Board of Managers of the Missouri School for the Deaf, at Fulton, for a term of four years from February 1, 1911, vice E. W. Dunavant.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 1, 1911

From the Journal of the Senate, p. 162

February 1, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. M. H. Post, of St. Louis, to succeed himself as a member of the Board of Managers of the Missouri School for the Blind for a term of four years from February 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 1, 1911

From the Journal of the Senate, p. 164

February 1, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed W. M. Williams, of Boonville, to succeed himself as a member of the Board of Managers of the Missouri Training School for Boys, at Boonville, for a term of four years from February 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 1, 1911

From the Journal of the Senate, p. 164

February 1, 1911.

To the 46th General Assembly:

As sections 10922 and 10927, R. S. 1909, provide that I shall transmit to the General Assembly a copy of the report of the Superintendent of Public Schools, I herewith submit the same to you for the year 1909 for your consideration and such action as you may deem advisable.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASLEMBLY

FEBRUARY 1, 1911

From the Journal of the Senate, p. 164

February 1, 1911.

To the 46th General Assembly:

As section 8175 R. S. 1909, provides that I shall transmit to the General Assembly a copy of the report of the Library Commission, I herewith submit the same to you for your consideration and such action as you may deem advisable.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 1, 1911

From the Journal of the Senate, p. 165

February 1, 1911.

To the 46th General Assembly:

As sections 7784 and 7786, R. S. 1909, provide that I shall transmit to the General Assembly a copy of the report of the Commissioner of the Bureau of Labor Statistics, I herewith submit the same to you for your consideration and such action as you may deem advisable.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 6, 1911

From the Appendix to the Journals of the General Assembly, 1911

To the Members of the 46th General Assembly:

The destruction of the State Capitol by fire has created an unforseen emergency which demands the serious consideration of the members of the legislative and executive departments of the State government.

The first question for consideration is to provide suitable quarters for the accommodation of the members of the legislative and executive departments, where the business of the State can be properly transacted. I am assured by the leading citizens of Jefferson City that suitable arrangements can be made in public halls and office buildings in this city for the accommodation of the legislative department, and the old Supreme Court building, the State Armory and office buildings in the city will furnish temporary quarters for the different executive offices. I have also received from commercial organizations and leading citizens in various cities of the State communications offering to provide suitable accommodations therein for the members of the legislative and executive departments.

While the Legislature has no power to change the location of the State Capital, it might by a joint and concurrent resolution provide for the holding of its sessions at a place other than the State Capital; at least, I find in the Constitution no prohibition against such action. The members of the executive departments are required, however, to reside and maintain their offices at the State Capital. It is, therefore, my opinion that if reasonably satisfactory quarters can be furnished in Jefferson City, the Legislature should continue and complete its session here. The members of the General Assembly, as well as the officers and employes of the General Assembly, have made arrangements for their private accommodations here; the work of

the legislative department requires constant conferences with and information from the offices of the various State departments, and the prohibition of the Constitution against the adjournment of the Legislature for more than three days all argue strongly in favor of the advisability of continuing the legislative session at the State Capital. The State officers who were located in the State Capitol have already made arrangements for temporary quarters either in State or private buildings, and I suggest that the Senate and House select committees to make arrangements for quarters for the General Assembly in which their work can be continued and completed.

It will also, in my opinion, be advisable to have an investigation made by competent architects and builders to ascertain whether the condition of the walls of the State Capitol are such as to make it feasible and advisable to make such repairs therein as would make it possible to use the building for the State offices pending the construction of a new State Capitol.

The course to be pursued in providing a new State Capitol is the other problem with which the members of this Legislature are now called upon to deal, and I make to you at this time a few suggestions applicable to the existing situation, and call to your attention the provision of the Constitution which must control your action in this regard.

As heretofore stated, the General Assembly has no power to remove or provide for the location of a new State Capitol other than at Jefferson City. To change the location of the State Capitol would require an amendment to the Constitution, which could not be submitted to the consideration of the people until the next general election, which will be held in November, 1912. Even if at that time the people voted in favor of locating the State Capitol at some other place than Jefferson City, and also provided by an amendment to the Constitution at the same time for the funds necessary to accomplish that purpose, it would require two years additional, at least, to complete the State Capitol and have it ready for the occupancy of

the State and legislative departments. Under the provisions of article 4, section 44 of the Constitution, the General Assembly has no power to issue bonds or to contract any indebtedness on behalf of the State except in the three cases therein referred to. First, in renewal of existing bonds; second, on the occurring of an unforeseen emergency, when the liability incurred upon the recommendation of the Governor shall not exceed the sum of $250,000 for any year, to be paid in not more than two years from and after its creation; third, on the occurring of any unforeseen emergency the General Assembly may submit to a referendum vote of the people an act, providing for a loan and containing a provision for the levying of a tax sufficient to pay the interest and principal thereon, which must be paid in not more than thirteen years from the date of its creation, to the qualified voters of the State, and when such act has been ratified by a two-thirds majority at an election held three months after the passage of the act, the act so ratified shall create a legal and binding financial obligation upon the part of the State.

If the Legislature should deem it advisable to undertake the repair of the present State Capitol, the second exception to the limitation placed upon the General Assembly to contract liability on behalf of the State would doubtless furnish an adequate method of procedure. I believe, however, that it is the desire of the people of the State, and that this General Assembly should now provide for the erection of a State Capitol more commensurate with the population, wealth and dignity of the State of Missouri, and that that should be undertaken on the plan provided for in the third subdivision of section 44 of article 4 of the Constitution. By this method the Legislature could pass an act making an appropriation suitable for the construction of a State Capitol; that act could be submitted to a vote of the people within three months after its passage, and if it received their approval a new State Capitol could be completed and ready for occupancy on the convening of the 47th General Assembly.

While all of these questions should receive the deliberate and careful investigation and consideration of the members of the General Assembly, it has occurred to me in the limited time and opportunity that have been given for the consideration of this question that the plan herein suggested is the best method of dealing with the present unfortunate and unforeseen emergency. I, therefore, after having conferred with the other State officials and members of the legislative department, submit to you these observations in order that the different questions that you will have to deal with may be now suggested to you for your consideration and investigation.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 13, 1911

From the Journal of the Senate, p. 222

February 13, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed James B. O'Brien, of St. Joseph, as a member of the Board of Regents of Normal School, District No. 5, Maryville, for a term of six years from January 1, 1911, vice William D. Rusk.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 13, 1911

From the Journal of the Senate, p. 222

February 13, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Arthur A. B. Woerheide as a member of the Board of Police Commissioners of the city of St. Louis for a term of three years from January 1, 1911.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 13, 1911

From the Journal of the Senate, p. 223

February 13, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Martin J. Collins, of St. Louis, as a member of the Board of Managers of the Missouri School for the Blind to hold for a term of four years from February 1, 1911, vice C. W. Green.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 13, 1911

From the Journal of the Senate, p. 223

February 13, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed W. A. Blagg, of Maryville, as a member of the Board of Regents of Normal School, District No. 5, Maryville, for a term of six years from January 1, 1911, vice Anderson Craig.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 13, 1911

From the Journal of the Senate, p. 223

February 13, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Hobart Brinsmade as a member of the Board of Police Commissioners of the city of St. Louis for a term of three years from January 1, 1911.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 17, 1911

From the Journal of the House of Representatives, pp. 464-465

To the 46th General Assembly:

I submit to you herewith for your consideration the report of a voluntary commission appointed to consider the question of changes in the laws which fix the liability of employer to employe and to suggest some system, other than our present method of litigation, for the compensation of those injured in industrial occupations.

This commission was composed of Hon. F. W. Lehmann, Hon. John T. Barker, Attorney-General Elliott W. Major, Superintendent of Insurance Frank Blake, Senators F. W. McAllister, Holmes Hall, Thomas E. Kinney, Charles F. Krone; Messrs. J. C. A. Hiller, J. Lionberger Davis, E. M. Grossman, Saunders Norvell, W. W. Williams, Harry S. Sharpe, D. C. Tevis, Charles A. Sumner, John T. Smith, Pierre R. Porter, Henry D. Faxon, Charles W. Fear, Mercer Arnold, Thos. J. Sheridan, A. L. Henderson, W. K. Amick, Roy H. Monier, McLain Jones, W. S. Blenehasset, Charles Batley and Mrs. Sadie Spraggon. This commission effected an organization by the election of Hon. John T. Barker as president; John T. Smith, vice-president; J. Lionberger Davis, secretary, and E. M. Grossman, assistant secretary. The active interest that they displayed in the investigation of this subject, as well as their high standing as citizens and public officials, entitle their recommendations to careful consideration.

A portion of this report relates to needed changes in our factory inspection laws and laws regulating the labor of women and children.

I also submit for your consideration in this connection the annual report of the State Factory Inspector, much of which relates to the questions covered by the report of this commission.

As will be noted from an examination of the report of this commission, it was the opinion of its members that a sufficient opportunity was not afforded prior to the session of this Legislature to make such an investigation of the subject as would justify them in recommending a law providing for a system of compensation between employer and employe for injuries received in industrial occupations and for needed changes in the law establishing the liability of employer to employe.

Attention is called in the report to the fact that this question has been investigated by commissions authorized by law in a number of the leading states of the Union, and that after several years spent in investigating such subjects, such commissions have in a number of instances been unable as yet to agree upon the necessary recommendations for changes in existing methods of compensating those injured in industrial pursuits.

A recommendation is made in this report, which I commend to your favorable consideration, that this Legislature provide for a commission to investigate this question and report at the next meeting of the General Assembly. But whether or not this commission is provided for, certain changes in the law establishing the liability of employer to employe can be made at this time without injustice to the employer and without materially disarranging existing conditions in our industrial system.

Under our present law, one injured in the course of his occupation can recover damages only in case he can show that he was injured through the negligence of his employer. If it appears from the evidence that the injury was due to the negligence of a fellow-servant, or was a risk incident to the employment, or was contributed to by his own negligence, then there can be no recovery. Even under the reasonable construction given to that doctrine by the Supreme Court of the State, the defenses of assumption of risk and the negligence of a fellow-servant are theories of law inherited from a system of industry which no longer

exists. It would, therefore, in my judgment, be advisable to make substantial changes by statute, in so far as may be necessary to prevent these defenses being used to defeat just causes of action for injuries suffered in industrial occupations.

It is also my judgment that there should be a substantial change in the law which entirely defeats recovery by an employe on the plea of contributory negligence, at least, in so far as certain hazardous occupations are concerned.

Under an act passed by the National Congress, the defense of assumption of risk, the negligence of a fellow-servant and of contributory negligence, in so far as the latter plea constitutes a bar to recovery, have been abolished in actions by employes of common carriers for injuries received in the course of their occupation. And it has been provided that there shall be submitted to the jury in such cases for its determination the question as to whose fault was the cause of the injury, the negligence of the employe, if any, in bringing about that result being considered in determining his right to recover at all, as well as in reducing the damages to which the jury might consider he was entitled.

I feel that the Legislature of Missouri should not say to her citizens who are engaged in the hazardous occupations incident to the operation of our great system of transportation that they can secure in the Federal Courts a more humane and more favorable rule of liability, in case they have suffered an injury in the course of their occupation, than they can secure in the courts of their own State. The provisions of the Federal statutes upon this subject might well be enacted as the laws of this State and made applicable to all cases wherein recovery is sought for injuries received by an employe in such employment. Under the provisions of the Federal statute, the rule of liability therein established would apply, of course, only in such cases as are cognizable by the Federal courts. This fact itself results in a discrimination in favor of certain employes

who endure no more of dangers and are entitled to no more of consideration than other employes engaged in the same occupation who would not be entitled to invoke the jurisdiction of the Federal courts.

I feel that it is desirable that some steps should be taken to correct our present ineffective and unsatisfactory system of litigation in this class of cases, and that to proceed along the two lines suggested would not result in any injustice to employers, while at the same time it would establish a rule of liability more humane and just to employes.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 20, 1911

From the Journal of the Senate, pp. 318-319

February 20, 1911.

To the 46th General Assembly:

I have the honor to submit herewith copy of a communication received from Hon. Hiram W. Johnson, Governor of California, for your information and respectful consideration.

Very respectfully,

HERBERT S. HADLEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE OFFICE, SACRAMENTO,
FEBRUARY 13, 1911.

Hon. Herbert S. Hadley, Governor of Missouri, Jefferson City, Missouri:

Your Excellency—This is to confirm my night telegram of the 12th inst., reading as follows:

"Congress having honored San Francisco by designating her the Exposition City for nineteen fifteen, it is desired that a commission be appointed from your State, of which you shall be a member to visit San Francisco and the exposition site. This commission should visit this city during the summer months when work on the exposition will have started. I earnestly ask you to endorse a bill and urge its introduction at this session of your Legislature appropriating such an amount as you may deem necessary for the expenses of this commission. This will permit the commissioners to gain an intelligent idea of the requirements for a building and proper exhibit from your State and would be better able to advise your Legislature at this or next session when the matter of appropriation for the Panama-Pacific International Exposition will be made. Letter follows. Please accept my deepest appreciation."

It is planned to have commissioners from every state in the Union visit San Francisco some time during the next six months, when the work on the exposition will be in full swing. In this way an opportunity will be afforded the commissioners to learn of the extensive plans of the exposition directors, to view the exposition site, and to select locations for their respective state buildings, as well as to see the New San Francisco and California.

It is my belief and the impression of the directors of the Panama-Pacific International Exposition Company that this general plan will materially help your State Legislature in making a suitable appropriation when the matter is formally presented. I strongly urge you to have a bill introduced at this session of your Legislature appropriating an amount

sufficient to cover the expenses of the commissioners to this city. I hope I may count on your hearty support, as we are anxious to have all arrangements perfected for the Panama-Pacific International Exposition at as early a date as possible. Enclosed please find copy of bill in blank.

Thanking you for your courtesy, and assuring you of the appreciation of every citizen of this State, I beg to remain,

Respectfully yours,

HIRAM W. JOHNSON,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 21, 1911

From the Appendix to the Journals of the General Assembly, 1911

To the Forty-sixth General Assembly:

In the month of July, 1910, I asked a number of men and women who had been prominent in the investigation of public questions and social problems to serve as members of a voluntary commission to investigate as to the extent to which tuberculosis existed in this state, the causes of the disease and to make recommendations as to laws that might be enacted which would contribute to its control and prevention.

Those whom I asked to serve upon this Commission and who accepted the appointment were: Archbishop John J. Glennon, Senator George W. Humphrey, Hon. W. K. Bixby, Rev. W. J. Williamson, Col. Otto F. Stifel, Dr. George Homan, Mr. J. H. Lynch, Hon. A. A. Speer, Mrs. Philip N. Moore, Dr. Julia A. Meyer, Miss Mary E. Perry, Dr. H. E. Pearse, Dr. E. W. Schauffler, Dr. Jacob Block, Dr. Charles B. Irwin, Mrs. Kate Pierson, Dr. Jacob Geiger, Dr. W. A. Clark, Dr. Frank B. Fuson, Mrs. Walter McNab Miller and Mr. Walter C. Root. This Commission effected an organization early in the month of September by the

selection of the following officers: Archbishop John J. Glennon, chairman; Dr. E. W. Schauffler, vice-chairman; Dr. W. A. Clark, treasurer; Mr. J. Hal Lynch, secretary. The high standing, character and ability of the members of this Commission and the fact that they gladly accepted and performed, without compensation, the work incident to the investigations of the Commission indicates the importance with which they regarded the subject. And the comprehensive and effective investigation that they have conducted makes their report of peculiar value and importance to this general assembly and to the people of Missouri.

The report itself consists of a document of several hundred pages, which contains the most complete detailed information as to the existence of the causes of this disease and possible measures for its prevention and cure that has ever been prepared by any public or professional commission in this state, and will unquestionably be of great value in dealing with this important problem.

I submit to you herewith such portions of this report as are likely to be of most public interest and have undertaken to summarize the information therein contained, in order that the advisability of the recommendations for legislation made by this commission may be apparent. The report itself I have transmitted to the State Board of Health for its consideration, where it will be available for the use of the medical profession and others who may have occasion to investigate this subject.

As will be noted from an examination of the report, between 5,000 to 5,500 people die in the state of Missouri each year from this disease. Of every ten persons who die in the state, one of these dies from tuberculosis. Out of every 1,000 of our people, two die each year from this disease. The loss of life each year from tuberculosis in the state of Missouri is double the loss of life incurred in the Spanish-American war both from wounds and disease. On the basis of the information secured, it is estimated that there are from 18,000 to 30,000 people in the State who are totally or partially incapacitated for useful labor

or occupation by reason of this disease. And from statistics and information secured it was apparent that the death rate from this disease was as high, or higher, in the small towns and in the country than it was in the larger cities of the State.

Considered from an economic standpoint, the annual loss to the people of this State from this disease, taking into consideration the cost of nursing, medical attention, medicine, loss of earnings by reason of sickness and loss of future earnings, amounts to $31,000,000. This does not include the financial loss to the State through the emigration of those who seek other climates regarded as more favorable for the treatment and cure of tuberculosis. In addition to the financial loss, there is, of course, the loss to the people of the State through the death and incapacity incident to this disease that cannot be estimated in dollars and cents.

The State of Missouri is at the present time spending less than one per cent of the annual economic loss through the existence of tuberculosis, to prevent its spread and bring about its cure. If a sum equal to five per cent of the amount of this annual economic loss to the people of the State was intelligently expended in the prevention and cure of this disease, it is probable that within a few years it could be completely eradicated.

In 1905 the State wisely established a state sanatorium for the treatment and cure of incipient tuberculosis. But as that institution cannot, even when completed, care for but a few hundred patients, the inadequacy of this method for bringing about any substantial change in the death rate in this state is at once apparent. The educational influence of such an institution will, however, be far greater than the direct benefit secured in the treatment of individual cases. Further than the establishment of this institution, the State has as yet done practically nothing to bring about the prevention and the cure of tuberculosis.

The Commission submits a number of recommendations upon this subject concerning the advisability of which some

considerable difference of opinion existed among the members of the Commission itself. The recommendations made by the Commission are as follows:

First: That the State Board of Health be given enlarged powers for the promulgation, administration and enforcement of public health enactments, and be supplied with adequate funds for the accomplishment of this work.

Such orders could include the proper sanitation and cleanliness of public buildings, railroad cars and the use of the public drinking cup, sanitation, cleanliness and ventilation of public schools.

There was, as I understand, no difference of opinion among the members of the Commission upon this recommendation, and I recommend the same to your favorable consideration.

Second: The recommendation that a Tuberculosis Commission be appointed to carry on the work of education in the State to prevent the spread of tuberculosis was not agreed to by all the members of the Commission, and this recommendation is not, in my opinion, an advisable one.

A duplication of authority always results in its ineffective exercise and in added expense. I believe that this educational work can be more effectively conducted through the State Board of Health, the officers of the State Sanatorium and the State Medical Association.

And in this connection I would especially recommend that adequate appropriations be made to enable the State Board of Health, and the officers of the State Tuberculosis Sanatorium to carry on this work of education. Experience and the judgment of the best physicians agree upon the proposition that persons afflicted with tuberculosis can be treated and cured much more effectively in this state in their own homes than by sending them to some western state, unless they there are placed in some properly conducted sanatorium. Thousands of lives are sacrificed every year through people afflicted with this disease in this state going to some cacti-alkali infested country where homesickness and uncongenial surroundings and unfavor-

able conditions of living hasten a fatal result. Through proper work of public education, the care and treatment of those thus afflicted could be more effectively conducted within their own homes and many thousands of lives thus saved.

Third: The recommendation that the Legislature pass an enabling act so that counties, or groups of counties, may form a district for the maintenance of a sanatorium for the treatment of tuberculosis, offers a desirable method for dealing with this problem, but one which will probably not prove effective until there is much further general education upon this subject.

Fourth: The recommendation that all tubercular inmates of state institutions should be segregated in buildings or hospitals for that purpose is manifestly advisable, and such segregation should be made possible by the appropriations of this general assembly. Such a recommendation should, of course, include similar provisions for tuberculous convicts in the State Penitentiary.

Fifth: A recommendation for the liberal support and enlargement of the State Sanatorium at Mt. Vernon was approved by all the members of the Commission and is, of course, advisable and apparent to all who have given attention to this subject.

The last two recommendations of the report of the Commission for a state housing law, covering the construction of all kinds of buildings, especially state institutions, schools and public buildings, and providing for systems of heating and ventilating to be prescribed therein, was not agreed to by all the members of the commission, and while these recommendations will be ultimately desirable, it is, in my opinion, necessary that we should have a much more active public interest in this question through education and understanding of the importance of the subject before it would be advisable to undertake the enactment of such measures.

This Commission was enabled to make such a comprehensive and satisfactory investigation of this subject

through funds contributed by certain public-spirited citizens of the State whose names follow:

W. K. Bixby, Robert S. Brookings, Butler Bros., Dwight Davis, L. D. Dozier, B. Gratz, D. M. Houser, Lemp Brewing Co., Edward Mallinckrodt, N. O. Nelson, Otto F. Stifel, Chas. A. Stix, Stix Baer & Fuller, R. H. Stockton, The "Famous" Store of St. Louis, and W. C. Root, Dr. E. W. Schauffler, Wm. Volker & Co., and Frank P. Walsh of Kansas City. The amount subscribed was about $2,500, and I am confident that it has been wisely expended.

I recommend to the General Assembly an appropriation from the public revenues of this amount for the reimbursement of these gentlemen, and I feel that the gratitude of the people of Missouri is due to the public-spirited citizens who have advanced this money, and particularly to the members of this Commission who have rendered such a useful public service.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1911

From the Journal of the Senate, p. 405

CITY OF JEFFERSON, February 23, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Samuel Ulen, of Dexter, as a member of the Board of Managers of State Hospital No. 4, at Farmington, to hold for a term of four years from April 11, 1911, vice Merril Pipkin.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1911

From the Journal of the Senate, p. 405

CITY OF JEFFERSON, February 23, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Byrd Duncan of Poplar Bluff, as a member of the Board of Managers of State Hospital No. 4, at Farmington, for a term of four years from April 11, 1911, vice Paul B. Moore.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

FEBRUARY 23, 1911

From the Journal of the Senate, p. 405

CITY OF JEFFERSON, February 23, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed R. M. White, of Mexico, to succeed himself as a member of the Board of Managers of State Hospital No. 1, at Fulton, for a term of four years from February 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 27, 1911

From the Journal of the House of Representatives, pp. 618-621

To the 46th General Assembly:

There are pending before this General Assembly a number of bills materially changing the relations of the State to the government of the large cities in the conduct of police, excise and election affairs. It has been stated during the discussion of these measures, and also in the public press, that Senate bills Nos. 288, 306, 317 and House bills Nos. 669, 700 and 699 have by the Democratic members of the General Assembly been made caucus or party measures, and that they are to be passed as such.

If these statements are true, I realize that nothing I can say will probably affect the action of the members of the majority party upon these measures. But I do not feel that I should on account of this fact fail to give expression to my opinion as to the inadvisability of these measures; for it is as much my duty under the Constitution to oppose a measure which I believe would be injurious to the people of the State as it would be the duty of the members of the Legislature to vote against a bill which they think inadvisable.

It is somewhat difficult to understand why these measures are favored by a majority of the members of the Legislature as they are in conflict with the declarations of the Democratic State platform upon this question in 1904, the position taken by Governor Folk in his messages to the Legislature and the position taken by Mr. W. S. Cowherd, the Democratic candidate for Governor in the campaign of 1908. So far as I am advised, no Democratic leader, candidate or convention has ever declared in favor of such measures prior to this session of the General Assembly. While this fact would not of itself show that these measures are inadvisable, a brief consideration of what they seek to

accomplish, in my opinion, clearly demonstrates that they would be highly injurious to the welfare of the people of the large cities, as well as to the people of the entire State.

These measures provide for the election of police, excise and election boards by the people of the three large cities of the State beginning at a special election to be held on the first of November, 1911. Members of these boards shall be chosen by each political party nominating two candidates for the police and election boards and one candidate for excise commissioner. The names of the candidates nominated by each political party shall appear on the ticket of that party, and no voter shall vote for more candidates than those appearing upon his party ballot. The result of this provision would be that the nominees of the Republican and Democratic parties would constitute the members of the board and no other party would have a chance of electing their candidate. Further, it would mean that if either party should nominate unfit men, there would be no opportunity for the people to defeat them, and the nomination of unfit candidates by either the Republican or Democratic party would practically destroy the efficiency of the board as the other two members would be incapable of taking any decisive action. The influence of the independent voter would thus be entirely eliminated in the election of these officials.

The method thus provided for the election of police and excise commissioners would, of necessity, put every policeman and every saloon in all of these three cities actively in politics. The policemen would naturally endeavor to secure the election of police commissioners who would be favorable to their retention or advancement, and the saloon and liquor interests would naturally favor the election of excise commissioners who would not be strict in the enforcement of the laws regulating dramshops.

Those familiar with conditions in the large cities need not be told the probable results of the active efforts of such influences in controlling nominations of candidates for these boards should these bills become laws. If the practical politician, the saloons and the policemen could not control

the nominations of both parties, which they probably could do, they could, in a large majority of the elections, control the nominations of one party or the other and in its practical result this would impair the efficiency of the board for the proper conduct of police affairs or the proper enforcement of the dramshop laws. While it is my judgment that there should be a change in the present method of selecting police and excise commissioners, I feel confident that the method provided for by these measures is so manifestly wrong and the practical results would be so injurious to public morals and decency that their passage would be highly injurious to the people of the three large cities, as well as to the people of the entire State.

If the position taken by Governor Folk in vetoing the so-called home rule bill passed by the Legislature of 1905 is correct, these measures are also unconstitutional in that they undertake to provide a system of municipal police, excise and election commissioners by State law. It was his theory that either the State must provide for a metropolitan police department conducted by commissioners appointed by the Governor, or that the municipality itself must provide its own method of choosing police commissioners and conducting its own affairs.

So far as I am aware, there has been no demand for a change in the method of appointing election commissioners for Kansas City and St. Louis. The arguments in favor of home rule in police and excise affairs do not obtain so far as election affairs are concerned. An election in Kansas City and St. Louis is a matter of State-wide concern, while the granting of a saloon license or the appointment of a police officer in those cities is principally a matter of local concern. A dishonest vote cast in St. Louis or Kansas City is just as injurious to the people of Atchison or Pemiscot county as is a dishonest vote cast in those counties. I, therefore, feel that there is no demand or occasion for a change in the manner of appointing election commissioners. I do believe, however, that these boards should be made bi-partisan, instead of partisan, as they are at the present time. And in

order that each party may have equal representation upon these boards, and that the men selected shall represent the parties from which they are chosen, I favor a provision in the law to the effect that the city or State committee of each of the two political parties shall submit a list of names from which the Governor shall make the appointments.

In the last three campaigns, the Republican party has declared in favor of "the principle of home rule," and in the last General Assembly, as well as in the present, proper measures seeking to accomplish that result have been introduced. Such a measure was passed by the House of the 45th General Assembly, but failed to receive the approval of the Senate. Following the failure of that General Assembly to enact home rule legislation, I called the attention of the leading civic organizations of Kansas City, St. Louis and St. Joseph to the importance of this question, and asked that committees be appointed to consider the advisability of submitting, by initiative petitions, bills giving to the people of the three large cities of the State a proper measure of home rule in police and excise affairs. It was decided, however, on account of the complications arising from the large number of measures to be submitted at the last election that it would be inadvisable to submit such measures at that time. It was agreed, however, that bills should be prepared for the accomplishment of this desired result and recommended to this General Assembly.

This committee composed of Mr. E. C. Eliot and Judge Jesse McDonald of St. Louis, Judge R. B. Middlebrook and Mr. F. F. Rozzelle of Kansas City, Judge W. K. James and Mr. Hugh C. Smith of St. Joseph has submitted to me the following report:

"St. Louis, Mo., December 27, 1910.

Mr. L. A. Laughlin, Chairman Home Rule Conference, Kansas City, Missouri:

Dear Sir—Your committee appointed at a conference held last May in St. Louis to formulate home rule legislation

for the large cities of the State, begs leave to report that it has discharged the duty imposed on it and transmits to you herewith drafts of a police and excise bill.

These bills are in the nature of enabling acts empowering the cities they affect to secure home rule in these matters if their inhabitants so desire. The proposed acts while giving the cities home rule in all essential particulars leave a residuum of control in the State. We believe that public sentiment in the large cities is not in favor of unrestricted home rule in police and excise matters, and it is obvious that the people of the State at large have some interest in them.

Respectfully submitted,

EDWARD C. ELIOT,
JESSE MCDONALD,
F. F. ROZZELLE,
R. B. MIDDLEBROOK
HUGH C. SMITH,
W. K. JAMES,
Committee."

The bills which they prepared have been introduced in both the Senate and the House. These bills give to the people of St. Louis, Kansas City and St. Joseph the right to provide by charter and ordinance for the conduct of their police and excise affairs under commissioners appointed by the mayor, subject to removal by the mayor and by the Governor for failure to perform their official duties. The members of the committee that framed these bills are equally divided in politics. Their high standing as lawyers, as well as citizens, is a guarantee of the ability and fairness with which they have considered these questions. It can be fairly assumed that their report represents, not only the majority opinion, but the best opinion upon these questions of the people of the three large cities of the State. I earnestly recommend to your favorable consideration these bills, and I stand ready and willing to give them my approval.

The question as to whether the Governor should have the power to remove the police and excise commissioners for

official dereliction is a question upon which there has been some difference of opinion. It is my judgment that it would be advisable to give him that power, and I am glad to be supported in my position upon this question by the St. Louis Republic, the leading Democratic organ of the State. But I do not regard this provision as a necessary one. I am willing to give to these bills my approval, even if this clause should be eliminated and the power of removal given alone to the mayor. I am unwilling, however, to give my approval to measures which make active politicians of every policeman in these cities and every saloon a center of political activity. The proper conduct of police affairs demands that the policeman should be more of a soldier than a politician. His political activities should be limited to the exercise of the right of suffrage. The evil results of the participation and domination of the saloon and liquor interests in politics are generally understood, and I am confident that I have the approval of a large majority of the people of this State when I assert that a measure which would make such a result not only probable, but inevitable, should not be placed upon the statute books of this State.

The present method of selecting police and excise officials takes from the people who are most concerned in the manner in which these departments of government are administered, not only the control of these departments of government, but also any effective power of correcting abuses or official dereliction by those whom the Governor may appoint to these positions. In this regard the system is wrong, and should be corrected. Assuming that the measures which have been made Democratic caucus measures represent a real desire for home rule, both parties are now agreed that there should be a change in the present system, and the only difference of opinion is as to how this result should be secured.

From the report made by the bi-partisan committee representing the civic organizations of Kansas City, St. Louis and St. Joseph, it would seem that they agree with Governor Folk in his contention that to constitutionally

accomplish this result, the provisions for the conduct of police and excise affairs must be provided for by city charter. But aside from the question of constitutionality, it is far more preferable, as a question of procedure alone, to give to the people of these cities the option of saying whether they desire to continue the present system, or whether they desire a change. And if the present system is to be abandoned and a larger measure of authority in the control of police and excise affairs given to the people of the three large cities, it should manifestly be done in such a way as the people of these cities would regard as advisable, and with such safeguards as will protect the interests of the people of the State as a whole.

The consideration of this question has been, unfortunately, complicated and confused by politics and its effect upon the enforcement of laws regulating dramshops. If the excise commissioners and the police commissioners were appointed by the mayor, or elected by the people, these officials would be in no way relieved from the duty and responsibility of enforcing the laws of the State. If one of the objects sought to be accomplished by these measures is the less effective enforcement in the large cities of the State of the laws regulating dramshops, those favoring such a result should have the courage of their convictions and favor a change in these laws by express enactments, rather than try to effect their modification or repeal by providing a system of electing police and excise commissioners under which the proper enforcement of these laws would be difficult, if not impossible.

This subject is far too important to be dealt with upon the narrow basis of partisanship or for political advantage. As Mr. Bryan well said in his address before this General Assembly, legislation passed or methods attempted for such purposes seldom deceive the people or finally accomplish any beneficial result. If it is the honest purpose and desire of the majority of this Legislature to give to the people of the large cities a larger measure of authority and control in police and excise affairs, let the measures prepared by the

bi-partisan committee, which represents not only the majority opinion, but the best opinion, of the people of those cities, be passed, and I will readily give to them my approval. The people of those cities can best exercise the privilege of home rule by deciding whether the present system should be changed and, if changed, the system that will be substituted in its stead.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 1, 1911

From the Journal of the Senate, p. 518

CITY OF JEFFERSON, March 1, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Edward A. Rozier of Farmington as a member of the Board of Regents of Normal School, District No. 3, Cape Girardeau, to hold for a term of six years from January 1, 1911.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

MARCH 2, 1911

From the Appendix to the Journals of the General Assembly, 1911

To the Forty-sixth General Assembly:

At the request of the members of the Board of Permanent Seat of Government, I submit to you herewith certain

documents and information relating to the present conditions of the State Capitol, and the advisability of repairing the same so as to make it available for use by the different departments of government.

Following the destruction of the State Capitol upon the 5th of February, the members of the Board of Permanent Seat of Government, after conferring with a number of the members of the Legislature, appointed a commission of architects and builders, composed of Mr. William B. Ittner, an architect of St. Louis, Mr. John Lonsdale of Kansas City, and Mr. Fred H. Binder of Jefferson City, both practical builders and contractors, to examine into the condition of the Capitol and to report whether in their opinion, it was in such condition that it could be made available for use and as to the expenses necessary to the making of such repairs. That commission, after an examination of the Capitol building, submitted a preliminary report, which is hereto attached and marked Exhibit "A." The commission was then instructed to continue its investigations and make a detailed report as to the expense necessary to restore the north and south wings so as to be available for use by the four executive officers, the Governor, State Treasurer, State Auditor and Secretary of State, and also to restore the legislative chambers upon the second floor so the same might be available for the use of the 47th General Assembly.

This report was submitted on February 27th, and is hereto attached and marked Exhibit "B."

Thereupon, the Board of Permanent Seat of Government adopted a resoltuion recommending to the Legislature that an appropriation be made sufficient to restore the old Capitol Building, as outlined in Proposition No. 1, or Proposition No. 2, described in detail in said report of the commission made on February 27th.

A copy of said resolution is hereto attached and marked Exhibit "C."

I am also requested by the members of the Board of Permanent Seat of Government to submit certain additional information bearing upon this situation, which may be of

value in deciding upon the advisability of making an appropriation for the carrying out of the suggestions contained in one or the other of these propositions.

The four executive officers, the Governor, State Treasurer, Secretary of State, and State Auditor, are now located in the east wing of the old Supreme Court Building, which is manifestly inadequate and unfit for the proper accommodation and housing of these offices, particularly the State Treasurer, State Auditor and Secretary of State. There is no vault in this building in which the valuable records of these three offices can be stored and safely kept, and as the interior of the building is entirely of wood construction, the danger of fire and the destruction of valuable records is an imminent and serious one. This condition has necessitated the employment of a number of watchmen who are kept in the building both day and night, and unless the portion of the Capitol building previously occupied by these officers is restored, it will be necessary to construct a vault in the east wing of the old Supreme Court Building for the use of the State Auditor, State Treasurer, and Secretary of State.

The use of this building by these officers has made it necessary for the State Board of Health, the Game and Fish Warden, the Bureau of Mines and Mining, the State Hotel Inspector and the Library Commission to rent quarters in business buildings in Jefferson City at an expense which, if continued for the present biennial period, will amount to about $7,000. It is estimated that it will cost, at least, $5,000 to build the vault referred to and this expense, together with the expense of watchmen and other incidental expense, will make the total charge, on account of these expenses, amount to approximately $20,000 during the course of this biennial period.

Consequently, in considering the advisability of an appropriation for either $72,000 to $52,000 necessary to restore the Capitol Building, according to either of these plans, this expense, the greater portion of which could be avoided by restoring the old Capitol Building, should be properly deducted from the expense of such work.

Further, a number of the records of the State Auditor and the Secretary of State are scattered in other State Buildings, with danger of their loss and necessary inconveniences in the conduct of public affairs.

As the report of the commission selected by the Board of Permanent Seat of Government discloses, the north and south wings of the Capitol Building which were constructed in 1887, are practically fireproof and were not seriously damaged by the fire, and the vaults therein could be easily made available for use, in case either plan of reconstruction suggested in this report were carried out.

This Legislature should also consider the conditions which will exist on the convening of the 47th General Assembly. Whatever plan may be adopted for the construction of a new State Capitol, there would be no prospect of the same being available for use of the 47th General Assembly. And unless Plan No. 1, as outlined in the report of the commission of February 27th, is carried out, the next General Assembly will be confronted with the same situation that confronted this General Assembly following the destruction of the Capitol by fire. As even the quarters which have been placed at the disposal of this General Assembly may not be available in January, 1913, for the use of the 47th General Assembly, the necessity of providing some suitable place for the accommodation of the legislative department is an imperative one. If the construction of a new State Capitol is decided upon by the vote of the people of the State at a special election to be held during the coming summer, it is not reasonable to anticipate that the same would be completed for the use of the executive and legislative departments of the State government prior to 1914. And the expenses which it will be necessary, therefore, to incur, in case the Capitol Building is not made available for the use of the executive offices, will, in the opinion of the Board, be approximately equal to the expense of restoring the Capitol Building for the use of the executive departments. And if the construction of a new State Capitol is not provided for until the general election in 1912, the expense

incident to the present location of the state offices and the expense incident to providing quarters for the General Assembly in 1913, would, in the opinion of the Board, exceed the expense necessary for the restoring of the Capitol Building, as outlined in Proposition No. 1, of the report of the commission of February 27th.

The Board has taken the responsibility of removing such portion of the dome and the walls as were likely to fall and endanger life, and also the rubbish and debris resulting from the fire. This work has progressed, so far, at small expense, as the greater part of it has been done by convict labor and with teams belonging to the State.

It is also the opinion of the Board that the expense of repairing the Capitol Building, either as outlined in Proposition No. 1, or Proposition No. 2, can be materially decreased by the use of prison labor thereon. And as the use of prison labor in this work would be towards the accomplishment of the object which has met with general approval of decreasing the number of convicts now engaged in contract labor, it has seemed advisable to the members of the Board that this labor should be used in the work of rebuilding as far as possible.

I, therefore, submit to you these documents and the information herein contained for your consideration.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE GENERAL ASSEMBLY

MARCH 7, 1911

From the Appendix to the Journals of the General Assembly, 1911

To the Forty-sixth General Assembly:

The general appropriation bills which have already received the approval of one or both Houses of the General

Assembly, together with such special appropriations as must of necessity be made, indicate that the total amount of the appropriations made by this General Assembly will considerably exceed $10,000,000. I am advised by the State Auditor that it is his opinion that the revenue available for the payment of these appropriations will amount to $9,800,000, but it is my opinion that unless some revenue measures, and particularly the bill equalizing saloon licenses, are passed by this General Assembly, they will not be that large.

I assume that all the appropriations that have received the approval of the Legislature are either necessary or advisable, but if the revenues of the State are insufficient to pay them all, it is evident that the various State departments, State institutions and public purposes for which such appropriations are made must fail in the accomplishment of desired results.

Further, there are other expenses, resulting from the destruction of the Capitol by fire, for which appropriations must be made. There are also other appropriations which, in my judgment, ought to be made by this General Assembly that have not been made. And, at least, a contributing reason for the failure to make such appropriations is the insufficiency of the public revenue.

I urged upon this General Assembly in my biennial message the advisability and necessity of providing for the construction of a State Reformatory, as an intermediary institution between the Training School for Boys at Boonville and the State Penitentiary. There are now confined in the State Penitentiary approximately 500 boys not over twenty-one years of age, many of whom are first offenders, and many of whom could be assured of useful careers as law-abiding citizens if they had the benefit of the influences and training of a properly conducted State Reformatory. But, confined as they now are, in the State Penitentiary, subjected to the necessary discipline of such an institution and to constant association with experienced and hardened criminals, the probability of their continuing to be a burden

or an injury to society is much stronger than the chances that they will become useful and law-abiding citizens. Further, there are at the Training School at Boonville approximately one hundred boys of advanced years who, by reason of criminal tendencies and associations, necessitate discipline and methods of management in that institution that seriously impairs its value for the less mature and less criminally disposed boys confined there. Such an institution would further accomplish a useful public purpose in that it would furnish an effective and satisfactory method of doing away with the present system of contract labor, which now obtains in the State Penitentiary. If a State Reformatory were established, some plan of employment other than contract labor could be provided, and with the benefit of the experience in such an institution, the abandonment of the system in the Penitentiary could be more promptly and more satisfactorily accomplished. An appropriation of $250,000 could, with profit to the State, be made for the construction of such an institution if the public revenues were sufficient to justify it.

There is another institution of similar character, for which no appropriation has been made, and for which an appropriation should, in my opinion, be made by this General Assembly, and that is the Industrial Home for Negro Girls. An appropriation of $20,000 was made by the last General Assembly for the purchase of a site and the establishment of this institution. This appropriation was, of course, insufficient for the construction of such an institution and no effort has been made to do anything more than secure a site. A number of difficulties have been confronted in the location of this institution, and a site finally selected has been found not to be available. Options have been secured, however, upon other available sites in communities where there is no opposition to the location of this institution, and I am entirely confident that if an appropriation of $50,000 were made for the construction of such an institution, a suitable site could be secured and the institution successfully established. The State now has an Industrial

Home for white girls at Chillicothe, and negro boys ar given the benefits of such an institution in the Trainin School at Boonville. Considerations of humanity, as we as a regard for the peace and order of society both deman that the door of opportunity should not be closed upon th negro girls, and that those who may become wayward or b convicted of minor offenses should have a chance to reforn other than that offered by the county jails and the Stat Penitentiary. The failure to provide such an institutio would be a discrimination against and an injustice to th negroes, and the establishment of such an institution woul be a useful and profitable investment for the State.

There is another appropriation that should be made a a matter of ordinary business fairness, and that is an appro- priation making effective the appropriation made two year ago for the support of the State Board of Immigration Under the construction placed by the Attorney-General upon the act of the Forty-fifth General Assembly appropriat- ing $25,000 for the carrying on of the work of the State Board of Immigration, the Auditor declined to recognize the validity of this appropriation. A number of the leading business men of Kansas City, St. Louis and Springfield thereupon advanced the sum of $25,000 for the carrying on of this work, and approximately this amount has been ex- pended during the course of the last two years with what I believe to be satisfactory and beneficial results. The obliga- tion incident to this situation are forcibly and, in my opinion, correctly stated in a recent editorial in the St. Louis Re- public:

"It would seem that about all that needed to be said on the subject of Immigration Commissioner Sebree's letter in today's Republic in that 'a square deal' involves living up to obligations moral as well as legal; and what would be dishonorable conduct in a man is nothing less in a state.

When the business men of St. Louis, Springfield and Kansas City advanced the necessary funds to keep the State Immigration Commission in being, and thus give

effect to the intent of the Legislature, they did a fine and public-spirited thing; but it did not probably occur to them that they were really risking anything. To speak plainly, the failure of the Legislature to reimburse them would be a flagrant disregard of the ordinary decencies of life. The Republic is unable to believe that a course so humilating to the State is seriously contemplated.

If there is one thing that Missouri needs to foster, it is immigration. We trust that the appropriate committees of the Legislature will fix one eye on the last census and the other on the Ten Commandments and vote to put back the money advanced to the State.

And the work of the commission should go on."

In addition to this appropriation, which should be made, it seems to me it is entirely clear that the work of this board should be continued. The increased population of the State of Missouri during the last ten years, as shown by the census of 1910, was only 186,670, all of which was in Kansas City and St. Louis, and there was a decrease in the rural population in the State. While the correctness of the conclusions to be drawn from these figures may be somewhat affected by the fact that there were many inaccuracies in the census of 1900 and possibly some in the census of 1910, the fact remains that there was little or no increase in the rural population of Missouri during the last ten years. And along with New Hampshire, Vermont, Maine, Maryland, Kentucky, Tennessee, Delaware, Indiana and Iowa, Missouri is one of the ten states that showed an increase during the last decade of less than ten per cent in its population. And when we realize that nearly one-half of the surface of our soil, over 21 million acres, has never been touched by a plowshare; that Missouri is the most undeveloped state east of the Rocky Mountains, the force and significance of these figures, as indicating the necessity of carrying on the work of a properly conducted board of immigration, are at once apparent. In my judgment, there should be an appropriation of, at least, $50,000 for this work during the next two years, and the bill now pending before

this General Assembly providing for a bi-partisan board, under whose direction this work can be conducted and this money expended, should receive the approval of this General Assembly.

There are other appropriations of lesser importance which have either not been made or which this Legislature has declined to make, partly, if not largely, on account of the lack of revenue. A building should be provided for at the State Penitentiary in which the tuberculous convicts could be kept separate from those who are well. There is just as much reason why this should be done as there is why arrangements should be made by which those afflicted with small-pox should be kept separate from those who are well. Similar buildings should be provided for in the other eleemosynary institutions of the State that do not now have them, and while this expense in no one instance would be large, the total would reach approximately $75,000.

While it is probably true that with the appropriations already made the various state eleemosynary, educational, reformatory and penal institutions can be successfully conducted during the course of the next two years, yet it is also true that each of these institutions could, with profit to the public, use more money than has been appropriated for them. And it is in my opinion a mistaken economy to deny to any State institution or to any department of government the means necessary to enable it to accomplish the full measure of its activity and usefulness.

To repair the State Capitol so as to provide for the accommodation of the legislative and executive departments will increase the appropriations approximately $75,000, and for the executive offices alone, $50,000. Even if such an appropriation is not made, the expense incident to the present location of these offices will, before a new capitol is constructed, approximately equal the amount necessary for the repair of the capitol building according to either of the plans suggested.

Other appropriations could be referred to which might be advantageously made, but those I have mentioned are, in

my judgment, most important. And if such appropriations were made, the demands upon the general revenues of the State would be increased by approximately half a million dollars.

Realizing that such appropriations could not be made and paid and that all of the appropriations already made cannot be realized without the necessity of additional revenue, I again call your attention to the suggestions heretofore made as to how more revenue may be secured.

I endeavored in my biennial message to point out to you the necessity and importance of making such changes in our laws as would secure a more complete return of all property subject to the general property tax and the assessment of all such property at the same per cent of its actual value. In my judgment, the necessary condition precedent to securing the full return of all property for the purpose of taxation is that all property should be assessed at the same per cent of its actual value, whether that per cent is 100 per cent or less than 100 per cent of such value. While it is too much to expect of any system that it will secure the complete return of all property for the purpose of taxation, experience has shown that a very considerable portion will not be returned for the purpose of taxation as long as one class of property is assessed at its full value and other classes of property at from fifteen to thirty-three per cent of their full value.

The plans that impress me as most advisable as the result of my six years experience as a member of the State Board of Equalization and my study and investigation of this subject were outlined in my biennial message.

I further suggested and I again seek to impress upon you the necessity and advisability of equalizing the state tax upon dramshop licenses throughout the State by making such tax, at least, $300 a year, the amount that is now assessed against two-thirds of the dramshop licenses of the State through the action of the Excise Commissioner of Saint Louis and the county courts in Jackson county, and a few other counties of the State. This increase was made as

a temporary expedient to help relieve the deficiency in the State's finances two years ago, and I know of no reason why this tax should not be equalized throughout the State.

The enforcement of the wholesale liquor dealers' license tax law has been prevented by court proceedings to test its constitutionality. As the case involving this question has been set for hearing by the Supreme Court on its April docket, the decision will not be rendered before the adjournment of this Legislature. I, therefore, recommend that such changes be made in the existing law as will correct the defects alleged to exist in this legislation, in order that the regulation and the revenue intended to be secured by this law may be secured. From these two sources alone there would probably be realized a half million dollars of added revenue each biennial period.

I also recommended the passage of a corporation franchise tax law, such as has been considered by the General Assembly for the last six or eight years. This law was recommended by the special tax commission, composed of Judge W. M. Williams, Peyton A. Parks and Edward C. Crow, appointed by Governor Dockery under authority of the Legislature of 1903, was also recommended both by Governors Dockery and Folk and has, in several General Assemblies, passed either the Senate or the House. A similar law has been passed in a number of states of the Union, and I am advised that the fairness of such a law is conceded by those men interested in large corporate interests throughout the State. The privilege of corporate existence as a method of conducting business is one which the State confers, is of value to those who enjoy it and is, in effect, a franchise conferred by the State upon which there is at present imposed no tax and from which the State derives no revenue.

I again recommend to your favorable consideration the passage of a general inheritance tax law which, with proper exemptions, shall impose a graduated tax upon direct, as well as collateral, inheritances. The right to inherit property is not a natural right, but exists entirely by law. This right

is also in effect a franchise or privilege conferred by the State which is at present untaxed, except in the case of collateral inheritances, and from which the State derives no revenue. Inheritance tax laws similar to the one recommended have been passed in a number of states of the Union and their beneficial influence in preventing the accumulation of great fortunes and their effectiveness in the production of revenue have demonstrated their wisdom and fairness.

I have also recommended the passage of a law requiring all clubs, whether incorporated or unincorporated, to secure a license before they can engage in the distribution of intoxicating liquors to members, and upon such license there should be imposed a state tax. While the necessity and importance of this law as a measure of regulation far exceeds its importance from a revenue standpoint, the latter in the present emergency is not to be disregarded. From this source, I am confident, a very considerable revenue could be secured for the State in addition to a change in the present intolerable conditions caused by the large number of such organizations which exist primarily for the purpose of selling or distributing liquors among their members without license or regulation.

Bills have been introduced amending the laws which now provide for the taxation of express companies in this State, and the fact that the tax imposed upon such companies in this State is much lower than the tax imposed upon these companies in contiguous states and states similar in population and wealth is a forceful argument in favor of their passage. I am of the opinion that the present law, which imposes a tax of $1.25 upon each $100 of gross receipts for business done by such companies within the State could well be increased to such amount as such companies are required to pay in contiguous states and states similar in population and wealth. These amounts range from 2 to 5 per cent, or $2.00 to $5.00 upon each $100 of gross receipts.

If, in addition to the passage of these laws, the expense of conducting the State government should be reduced wherever possible by consolidating departments and avoiding the duplication of work by the different departments, I

am satisfied that sufficient revenue for all these purposes could be secured, and the added expenses which have been unexpectedly placed upon us by reason of the destruction of the State capitol, could be satisfactorily and effectively met.

Whatever method is adopted for securing the revenues necessary for the construction of a State capitol, whether that provided for in the third subdivision of section 44, article 4 of the Constitution, or a constitutional amendment authorizing a bond issue, the necessity for the full return and equal assessment of all real and personal property for the purpose of taxation is further emphasized. If such an added burden is assumed by the people of the State for the construction of a suitable State capitol, it should be borne equally by all classes of our people and all classes of property. The method by which the fund necessary to meet this expense, or for the payment of the interest and the principal of the bonds, must be created would, in effect, amount to an increase in the general property tax for State purposes. But without regard to this added burden of taxation, the necessity of such changes as will secure a more complete return of all property for the purpose of taxation and the assessment of all property at the same percentage of its value presents a proposition of fundamental importance and which is, in fact, the first consideration in a just and equitable system of taxation.

In the formation of our government, both in the nation and in the states, there was a wise and proper division of duties and responsibilities between the executive, the legislative and the judicial departments. But each is dependent upon and, to a certain extent, connected with the other. The Governor while a part of the legislative department, in that he is authorized to make such recommendations to the Legislature as he shall deem necessary and expedient, and to approve or disapprove of bills which receive legislative approval, can neither introduce bills nor pass them. That responsibility must be borne by the members of the Legislature alone. And it is for the purpose of assisting in the proper discharge of this duty that I have in this message

endeavored to make clear to you the financial condition of the State, the necessity of making certain appropriations and of securing revenues sufficient to avoid a deficiency in the State's finances and make our State government accomplish as much as can be accomplished for the promotion of the public welfare.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 9, 1911

From the Journal of the Senate, p. 640

CITY OF JEFFERSON, March 9, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Solon T. Gilmore as a member of the Board of Police Commissioners of Kansas City, for a term of three years from March 9, 1911.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 9, 1911

From the Journal of the Senate, p. 640

CITY OF JEFFERSON, March 9, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed

Theodore Remley as member of the Board of Police Commissioners of Kansas City, for a term of three years from March 9, 1911.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 9, 1911

From the Journal of the Senate, pp. 640-641

CITY OF JEFFERSON, March 9, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed H. E. Schultz of Caruthersville, as a member of the Board of Regents of Normal School, District No. 3, Cape Girardeau, to hold for a term ending January 1, 1915, vice W. H. Garanflo, resigned.

Respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 9, 1911

From the Journal of the Senate, p. 643

CITY OF JEFFERSON, March 9, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed William T. Ford of Chillicothe to succeed himself as a

member of the Board of Control of the State Industrial Home for Girls at Chillicothe, for a term of six years from February 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 9, 1911

From the Journal of the Senate, p. 643

CITY OF JEFFERSON, March 9, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Miss Kathryn V. Standley of Brookfield to succeed herself as a member of the Board of Control of the State Industrial Home for Girls at Chillicothe, for a term of six years from February 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE HOUSE OF RESPRESENTATIVES

MARCH 9, 1911

From the Journal of the House of Representatives, pp. 898-900

CITY OF JEFFERSON, March 9, 1911.

To the House of Representatives:

I have the honor to return herewith, with my approval endorsed thereon, the following bills:

House bill No. 9, entitled, "An act to amend section 4035, chapter 35, article 3, Revised Statutes of Missouri, 1909, relating to circuit courts."

House bill No. 60, entitled, "An act requiring railroad companies and their employes to install, maintain and answer telephones at railroad stations, and providing fines for violation of this act."

House bill No. 174, entitled, "An act to repeal chapter 83, Revised Statutes, 1909, entitled 'Motor vehicles,' and to enact a new chapter in lieu thereof on the same subject, providing for annual registration and licensing of motor vehicles and drivers, regulating the operation, use and speed of motor vehicles, prescribing penalties and liabilities for violation of the act."

House bill No. 277, entitled "An act defining certain classes of indemnity contracts, prescribing regulations therefor, and fixing a license fee."

In returning to you this bill with my approval, I feel that I should state the reasons which have prompted me to take this action, in view of the fact that two years ago I vetoed a bill passed by the 45th General Assembly which had for its object the exemption from State supervision and inspection of associations of persons or corporations engaged in the exchange of contracts of indemnity against casualty or loss by fire.

Experience and investigation since that time have not caused me to change the opinions that I expressed in my veto message of two years ago. But in view of the fact that the bill that passed two years ago received the approval of a large majority of both houses of the General Assembly and that House bill No. 277 was passed by practically a unanimous vote in both houses of this General Assembly, and its passage is apparently desired by the leading business men of the State interested in this form of insurance, I feel that I should not continue to endeavor to set up my judgment against the judgment of a large majority of the members of the legislative department.

This bill is, however, in my opinion, an unsatisfactory and inadequate measure. It declares that contracts between individuals and corporations providing indemnity from casualty or loss by fire do not constitute the business of

insurance and then proceeds to make it the duty of those engaged in such business to submit their form of contracts to the Superintendent of Insurance, authorizes service of summons through his office and requires him to issue a certificate of authority to such associations to do business. The question is at once suggested by these conflicting provisions as to why these associations should be required to file any reports with the Superintendent of Insurance and he be authorized to take any action thereon if the business does not constitute the business of insurance and is not "subject to the laws of the State relating to insurance." The truth of the matter is, the business is an insurance business, and should be subject to the supervision and inspection of that department. The fact that these contracts of insurance are mutual does not make them personal contracts or divest the business thus conducted of that public use and importance which justifies and requires the supervision and inspection of the State.

In all forms of insurance the fund from which the indemnity is paid to those who may suffer loss, is the fund created by the contributions of those insured. And some of these inter-insurance associations, which it is declared by this bill are not engaged in an insurance business, number hundreds of members scattered over many different states; the indemnity fund created by their contributions amounts to hundreds of thousands of dollars, and the compensation received by the managers in charge of the business equals or approaches the munificent salaries which it has been the custom of the great life insurance companies of the country to pay their presidents.

It is conceded by those most interested in this form of insurance that eventually this business must be subject to State supervision and inspection, but they are apparently endeavoring to postpone as long as possible this inevitable result. Experience will, ere long, abundantly demonstrate that the security of this form of insurance and its freedom from abuses can only be secured by a proper measure of State supervision and regulation. A more potent reason,

however, than a proper regard for the opinions of the members of the legislative department which disposes me not to interpose a veto of this measure, is that I am convinced that the securing of a proper supervision of this form of insurance can be sooner secured by having this bill become a law at this time than by having no law passed upon the subject.

Two years ago when this question was before the General Assembly, as well as this year, it seemed impossible to make clear to the business interests of the State concerned in this question that the passage of such a bill as this was unnecessary in order to permit the making of such contracts of insurance. The truth of the matter is, as I pointed out two years ago, such contracts of insurance have been general in this State for the last fifteen years without interference from the Insurance Department. But so long as the impression exists among the business men of the State and the members of the Legislature that the only question to be dealt with by legislation is the question as to whether such contracts of insurance shall be permitted, it has been difficult, if not impossible, to secure any other legislation relating to this subject. If this bill becomes a law, I feel confident that succeeding Legislatures will recognize the necessity of so amending it as to require all persons engaged in this business to report to the Insurance Department, submit their business to reasonable supervision and regulation and contribute something in the way of taxation, as do other insurance associations. I am strengthened in this belief by a communication that I have received from the representative of the leading inter-insurance associations of the State, which is as follows:

"Jefferson City, Mo., March 4, 1911.

"*Governor Herbert S. Hadley, Jefferson City, Mo.:*

"Dear Sir—It is only within the last few years that inter-insurance contracts have become the subject of legislative enactments in the various states.

"No enactment covering this subject is now on the Missouri statute books. House bill 277, presented, is the first step taken by the Legislature of this State recognizing this particular class of contracts. It was initiated by the inter-insurers themselves to meet present conditions in this and other states. It is, therefore, formative legislation suited to present needs and subject to change to meet new conditions and new legislation that may develop in the several states.

"It is urged by your Insurance Commissioner that more restrictive safeguards should be placed around this class of contracts, and that the Insurance Department be given supervisory power over inter-insurance in order that he may be able to exclude from the State associations which might be organized on an improper plan or by irresponsible persons, and that such associations be required to report to the Insurance Department, enabling that department to determine whether such associations are conducted with the view of safety to the policy carrier.

"It is conceded that the bill as presented to you does not comply with the ideas of your Insurance Commissioner in this respect, and it is further conceded that conditions might arise in Missouri which do not now exist that would make necessary the enactment of further legislation along this line.

"To this end the associations, represented by the following managers: U. S. Epperson & Company, C. S. Jobes & Company, F. B. Hamblin, A. A. Wren, J. W. Garvey, Harry Rankin & Company, T. H. Mastin & Company, William B. Henderson and Bruce Dodson, pledge themselves to co-operate and assist in the enactment of such laws as may be determined or suggested by the Governor or the Insurance Department of this State, not only such measures as are now suggested by your Insurance Commissioner, but such other laws as changing conditions in this State, or the unforseen exigencies which may arise or be occasioned by the enactment of laws in other states, may make necessary.

"It is agreed that such enactments should contain provisions that will enable the Superintendent of Insurance to prosecute dishonest concerns, agents or attorneys, and make compulsory the taking out of a license from the Insurance Department by such concerns, agents or attorneys.

"Until such time as these laws are enacted, I further agree that all of the managers of this State will immediately comply with this act, both in spirit and in letter, and that our books and records will at all times be open to the inspection of the Insurance Department of this State.

"Very respectfully,

"BRUCE DODSON."

As this subject will be one of the questions which the superintendents of insurance of the various states will especially consider at their next annual meeting, for the purpose of devising some fair and effective system of supervision and inspection, I think it advisable that this measure should now become a law in order that by amendments two years from now proper safeguards can be provided for the protection of those relying upon such associations for indemnity against casualty or loss by fire.

The facts herein stated should, in my opinion, be made of public record at this time, and while they seem to me sufficient reasons why I should not undertake to defeat the passage of this bill, they are also sufficient to demonstrate the unsatisfactory and inadequate provisions of this measure and the necessity for future amendments.

It is, therefore, with the idea that the recommendations of the present Superintendent of Insurance, as well as of his predecessor, upon this subject, of which I approve, can be more quickly and effectively enacted into law that I have deemed it advisable to give to this bill my official sanction.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 13, 1911

From the Journal of the Senate, p. 731

CITY OF JEFFERSON, March 13, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed J. H. Wood, of Shelbina, to succeed himself as a member of the Board of Regents of Normal School, District No. 1, Kirksville, to hold for a term of six years from January 1, 1911.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 13, 1911

From the Journal of the Senate, p. 731

CITY OF JEFFERSON, March 13, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Charles W. Green, of Brookfield, as a member of the Board of Regents of Normal School, District No. 1, Kirksville, to hold for a term of six years from January 1, 1911, vice A. W. Mullins.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 14, 1911

From the Journal of the Senate, p. 751

CITY OF JEFFERSON, March 14, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Boyd Dudley, of Gallatin, as a member of the Board of Managers of the State Industrial Home for Girls, at Chillicothe, for a term of four years from February 1, 1911, vice M. F. Stipes.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 14, 1911

From the Journal of the Senate, p. 752

CITY OF JEFFERSON, March 14, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed W. S. Cotton, of Sedalia, as a member of the Board of Managers of the Missouri Training School for Boys, for a term ending February 1, 1915, vice John B. Wolfe.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 14, 1911

From the Journal of the Senate, p. 752

CITY OF JEFFERSON, March 14, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Mrs. Alice K. Rowland, of Bevier, as a member of the Board of Managers of the State Industrial Home for Girls, at Chillicothe, for a term of four years from February 1, 1911, vice Mrs. I. R. Slack, deceased.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 14, 1911

From the Journal of the Senate, p. 752

CITY OF JEFFERSON, March 14, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Alice Welborn, of Marshall, as a member of the Board of Managers of the Missouri Colony for the Feeble-Minded and Epileptic, to hold for a term ending August 21, 1913, vice Mrs. S. W. Moore, resigned.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 17, 1911

From the Journal of the Senate, p. 875

CITY OF JEFFERSON, March 17, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed James C. Swift, of Kansas City, as a member of the Board of Curators of the University of Missouri, to hold for a term ending January 1, 1913, vice J. V. C. Karnes, resigned.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 17, 1911

From the Journal of the Senate, p. 875

CITY OF JEFFERSON, March 17, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed G. L. Zwick, of St. Joseph, as a member of the Board of Curators of the University of Missouri, to hold for a term of six years from January 1, 1911, vice B. H. Bonfoey.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 18, 1911

From the Journal of the Senate, p. 902

CITY OF JEFFERSON, March 18, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. C. P. Bowden, of Appleton City, as a member of the Board of Managers of State Hospital No. 3, Nevada, for a term of four years from February 1, 1911, vice Dr. F. A. Howard.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 18, 1911

From the Journal of the Senate, p. 902

CITY OF JEFFERSON, March 18, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed W. J. Sewell, of Carthage, as a member of the Board of Managers of State Hospital No. 3, Nevada, for a term of four years from February 1, 1911, vice T. F. McDearmon.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

MARCH 18, 1911

From the Journal of the Senate, p. 946

CITY OF JEFFERSON, March 18, 1911.

To the Senate:

I have the honor to advise that I have this day, by and with the advice and consent of the Senate, appointed Dr. Gustav B. Schulz, of Cape Girardeau, as a member of the State Board of Health, for a term of four years from July 1, 1910, vice Dr. John Ashley, resigned.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SECRETARY OF STATE

MARCH 27, 1911

From the Journal of the House of Representatives, pp. 1395-1398

CITY OF JEFFERSON, March 27, 1911.

To the Secretary of State:

Sir—I have the honor to transmit, with my approval endorsed thereon, the following bills, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 465, entitled

"An act to amend article 14, chapter 43 of the Revised Statutes of the State of Missouri of 1909, by repealing section 6091, and by adding thereto a new section, to be known as section 6091."

Senate bill No. 466, entitled

"An act to repeal section 6190 of the Revised Statutes of Missouri of 1909, and enact a new section in lieu thereof,

to be known as section 6190, relating to the creation of a board of election commissioners, the appointment, salary, oaths, bonds, powers, qualifications, etc., of its members."

In returning these bills with my approval, I deem it advisable that I should state briefly some of the considerations that have caused me to approve them, notwithstanding the fact that one of their provisions is, in my opinion, unconstitutional.

The provision to the effect that the Governor shall make his appointment from six eligible persons who shall be recommended by the State committee of the Republican and Democratic parties, is under the decision of the Supreme Court in the case of State ex rel. Hadley v. Washburn, unconstitutional; for the reason that it impairs the right of the chief executive to make appointment of executive officers by delegating that power to a non-official body. The bills, therefore, simply provide for the appointment of a bi-partisan board of election commissioners in Kansas City and St. Louis, to be chosen from each of the two leading political parties. In this regard I consider the bills proper and advisable measures. An election is a contest between political parties for public approval and support, in which the paramount interest of the public as a whole is that it should be fairly and legally conducted. Under the provisions of our present statutes the bi-partisan idea in the selection of boards of election commissioners is provided for, but in an imperfect and, at times, an unsatisfactory manner. The minority party is given a representative upon the board and, upon his recommendation, the law provides that the judges and clerks of election representing that party shall be appointed. Notwithstanding the fact that in recent years the appointment of judges and clerks of election representing the minority party have usually been made on the recommendation of the minority member of the board, the fact that this right is not assured by the provisions of our present law has been the cause of some dissatisfaction, and, in a few instances, perhaps just criticism. I think it advisable that the right to choose the election

officials who shall represent the respective parties should be assured to the members of the board of election commissioners appointed to represent the interests of the respective parties. And this result can better be secured by making the board bi-partisan in character.

It has been urged that the fact that the boards would be equally divided in politics would, in some instances, result in indecision and ineffectiveness in deciding questions of law and in making appointments. I do not anticipate that this concern will be justified by actual experience. Outside of the appointment of judges and clerks of election in the making of which appointments the recommendations of the election commissioners of the respective parties are, under the existing law, intended to control, and under this law will control, there will be few questions of fact upon which the boards of election commissioners are required to pass Differences of opinion that may arise as to the legal construction to be placed upon election laws can be, and unquestionably will be, promptly decided by securing the opinion of the legal adviser of the board; or, a case can be promptly instituted and decided by the courts setting a rest any difference of opinion of this character.

The election officials of the different voting precincts are equally divided between the two political parties and no difficulties have arisen on this account in deciding questions affecting the conduct of elections. For years the school boards throughout the State have been equally divided between the two leading political parties, and not only have no serious difficulties arisen on account of the failure to secure prompt and decisive action on questions coming before such boards, but our schools have generally been conducted free from political influence or prejudice.

In the settlement of the controversy over the election of Lieutenant-Governor, growing out of the election in 1908, a bi-partisan committee was selected by the General Assembly, and the prompt, and practically unanimous decision reached by that committee in dealing with the controverted issues of law and fact in that case was not only

generally satisfactory to the people of the State, but a justification for the assertion that in dealing with election affairs or purely political questions a bi-partisan board creates not only an inspiration for, but a necessity of, fairness.

The policy of having the election boards of the large cities bi-partisan has been advocated for several years by the Republican party in this State. Two years ago, by a party vote, a measure providing for a bi-partisan election board in St. Louis was passed in the House, but defeated in the Senate. And a declaration in favor of bi-partisan election boards was made in the Republican State platform in 1910.

In so far as the law provides for the selection of election commissioners from those recommended by the State committees of the two parties, I also regard that provision as advisable in view of the fact that it is not controlling upon the chief executive in the making of his appointment. The responsibility will still rest upon the Governor—where it ought to rest—to select honest and capable men as election commissioners in the two large cities. This responsibility cannot be avoided. If the State committees of the two parties make proper recommendations, those recommendations should be, and, so far as I am concerned, will be, followed. And the fact that these recommendations are not controlling upon the executive will have the necessary effect of causing these political committees to recommend men whose appointment would be advisable by reason of their individual fitness. And it would create a much more satisfactory and harmonious situation in the conduct of election affairs if each of the two leading political parties feel that their recommendations have been followed, and election commissioners entirely satisfactory to their party have been chosen to safeguard the conduct of elections.

There have been times in this State when the chief executive, instead of accepting the recommendation of the minority party for the appointment of an election commissioner to represent the interests of that party in the conduct of elections, has appointed a minority member of doubtful

politics and character and, therefore, unsatisfactory to the party that he was supposed to represent. This resulted in a most unsatisfactory situation and tended to create a lack of confidence in the fairness and legality of the election. In the making of the appointment of the one minority member of the Board of Election Commissioners whom I have had the opportunity to select, I appointed, as the representative of the minority party, one who was recommended by the governing committee of that party in the city for which he was appointed; and I shall be glad to continue that policy under the provisions of this law so long as I feel that the best interests of the people will be subserved by following the recommendations of the committee as to such appointments. If at any time I feel that the best interests of the people will be subserved by disregarding those recommendations, I will consider myself, and I am confident that my successors in office will consider themselves, entirely free to do so.

As this law makes a change of some importance in the organization of the Boards of Election Commissioners in Kansas City and St. Louis, and as some doubt has been expressed by persons whose opinions are entitled to consideration as to its advisability, I have felt that I should make a brief statement as to the reasons that have induced me to give these bills my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SECRETARY OF STATE

APRIL 7, 1911

From the Journal of the House of Representatives, p. 1416

CITY OF JEFFERSON, April 7, 1911.

To the Secretary of State:

Sir—I have the honor to return herewith, with my approval endorsed thereon, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 3, entitled

"An act to regulate the assignment of wages, salaries and earnings."

I have received many communications and, upon two different occasions, have had public hearings as to the advisability of this bill. While I recognize the fact that in some cases some inconvenience may result to employes, as well as to business interests, by reason of the passage of this bill rendering invalid the assignment of unearned wages, I feel that, on the whole, a useful public purpose will be subserved thereby.

This bill has been considered by three different Legislatures, and the practically unanimous approval given to it by the last General Assembly indicates the strong sentiment existing among the representatives of the people as to the necessity of its enactment. The evidence submitted to me has convinced me that the benefits to be derived from a correction of the evils and abuses incident to the practice of assigning unearned wages will far offset the occasional inconvenience which may result from rendering such assignments void. While in many instances the assignment of unearned wages has constituted a proper basis of credit, in a large number of instances it has been the means by which unscrupulous parties have imposed upon the wage-earners. I am confident that no deserving wage-earner will be seriously interfered with through the operation of this

law, and many a deserving wage-earner will be protected against his own improvidence and the schemes of designing persons who would seek to benefit themselves by assignments of unearned wages for an extended period instead of helping the person to whom the credit is assigned.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SECRETARY OF STATE

APRIL 7, 1911

From the Journal of the House of Representatives, p. 1417

CITY OF JEFFERSON, April 7, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, with my approval endorsed thereon, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 8, entitled

"An act to repeal section 7815 and section 7816 of article 4, chapter 67 of the Revised Statutes of Missouri, 1909, entitled 'Hours of labor and payment of wages,' said sections relating to the regulation of hours of employment of females in manufacturing and mercantile establishments, laundries and restaurants, and providing for posted notices, and imposing a penalty for violation thereof, and to enact two new sections in lieu thereof, to be numbered sections 7815 and 7816, regulating the hours of employment of females in manufacturing and mechanical and mercantile establishments, laundries or workshops, said regulation being for the protection of health of said females, and to provide a penalty for violation of the same."

A vigorous protest has been made by the representatives of mercantile establishments, and particularly department

stores, throughout the State, against this bill. It is claimed that to limit the hours of labor of women employed in such stores to nine hours each day would, during certain periods of the year, seriously interfere with the conduct of such establishments and result in inconvenience to the public.

There is some question under the provisions of this bill as to whether it applies to mercantile establishments, but whether it does or does not, I am satisfied that such establishments can, both in the large cities and the small towns, be satisfactorily conducted without imposing upon women the burden of an employment in excess of nine hours in each twenty-four. And I am also satisfied that this law, with reference to the other industries mentioned in the bill, will accomplish a useful and necessary public purpose. The proper protection of those upon whom must depend the strength and capacity of present and future generations, will be subserved by prohibiting hours of labor which, as the result of human experience, there can be no question, are injurious.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, pp. 1439-1440

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

I have the honor to transmit herewith, with my approval endorsed thereon, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

Senate bill No. 241, entitled

"An act repealing section 10586 of chapter 102 of the Revised Statutes of Missouri of 1909, entitled 'Roads and highways,' and to enact a new section in lieu thereof."

In transmitting this bill, with my approval, there is a brief explanation that may be helpful in preventing an unjust result being accomplished by this measure. The bill, as originally introduced and passed by the Senate, removes the five-year limit which obtains under the present statute in the expenditure of the funds of special road districts for constructing and maintaining gravel roads within the limits of a city within such special road district. In the House Committee on Roads and Highways, the bill was, by the action of the chairman of that committee, amended by adding thereto the proviso that "no part of the revenue of any special road district should be expended outside of the county in which such special road district is situated." This amendment is objected to by the people in the special road districts of Joplin and Monett, which districts have been expending, and have planned to expend, considerable money for the extension of roads into Newton and Lawrence counties, respectively.

The purpose of this proviso was evidently to prevent the Joplin road district from carrying on these public improvements. And if, in my judgment, the amendment was an effective one, I would be loath to give the bill my approval. But in view of the fact that the amendment, in effect, repeals another section, viz.: Section 10588, R. S. Mo., 1909, authorizing an expenditure of the funds of a special road district outside of such district, and as it was not germane to the subject-matter of this bill, I believe it will be held by the courts to be unconstitutional and inoperative.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, pp. 1440-1441

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, with my approval endorsed thereon, the following bill, which reached me within ten days next before the adjournment of the General Assembly:

House bill No. 354, entitled

"An act requiring all corporations doing business in this State to pay their employes as often as semi-monthly, and fixing penalties for violation thereof."

In view of the vigorous opposition that has been offered to this measure by the representatives of the railroad companies, I feel that I should state the reasons which have prompted me to approve it.

The bill provides that all corporations doing business in this State shall pay their employes at least as often as twice a month. Heretofore it has been the practice of railroad companies to pay their employes once each month, and that from the 15th to the 20th of each month for the wages earned during the preceding month. Thus, for instance, a railroad man is paid from the 15th to the 20th of April for the wages that he earned in the month of March. In this way the railroad companies have, at all times, in their possession, wages due their employes for at least 15 days, and at times for 45 to 50 days. The result is that a very considerable number of employes of the railroad companies have to look to the merchants throughout the State with whom they deal for credit, on account of the wages due and unpaid to them by the railroad companies. The result is that the retail merchants in turn have to ask for an extended credit from the jobber or the wholesaler.

From a showing made by representatives of the retail merchants of the State, I am satisfied the practice now in vogue results in more extended credits than would obtain if the railroads paid twice each month, instead of once each month.

This law was passed largely through the efforts of the representatives of the Brotherhood of Railway Trainmen and the Retail Merchants' Association of the State. I have received communications from conductors and engineers, indicating that the law was not desired, or in fact, deemed advisable by that class of railway employes. In case that class of employes do not desire to receive their wages twice each month, there is nothing in the law to compel them to do so, and while the condition of that class of employes would not justify any legislation on this subject, I am satisfied that on the whole this bill will accomplish a useful public service and an economic saving, notwithstanding the fact that it will place some added expense upon the railroad companies. The large majority of the business interests of the State pay their employes twice each month, and many pay as often as once each week; and no protest against this bill has been received from any business interests of the State, except the representatives of the railroad companies.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SECRETARY OF STATE

APRIL 18, 1911

From the Journal of the House of Representatives, p. 1442

CITY OF JEFFERSON, April 18, 1911.

To the Secretary of State:

Sir—I have the honor to transmit herewith, with my approval endorsed thereon, the following bill, which reached

me within ten days next before the adjournment of the General Assembly:

House bill No. 965, entitled

"An act to repeal sections 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479 of article two, section 10541 of article three, sections 10595, 10596, 10597, 10598, 10599, 10600, of article six, section 10625 of article seven of chapter 102, sections 11756, 11758, 11759, 11760, 11761, 11762, 11763, 11764, 11765 of article eleven of chapter 119 of the Revised Statutes of Missouri of 1909; and to enact in lieu thereof the following new sections: Section 10471, 10472, 10473, 10474, 10475, 10476, 10477, 10478, 10479 in article two, section 10541 in article three, sections 10595, 10596, 10598, 10599, 10600, in article six, section 10625 in article seven in chapter 102, sections 11756, 11758, 11759, 11760, 11761, 11762, 11763, 11764, 11765 in article eleven in chapter 119 of the Revised Statutes of Missouri of 1909; also, repealing all acts or parts of acts inconsistent herewith."

In returning this bill with my approval, I feel that I should make a brief statement of my reasons for so doing. The object accomplished by this bill is to change the existing law, under which persons may work out their poll tax upon the road by road work, and to require all persons between twenty-one and fifty years of age to pay a poll tax of two dollars, and all persons over fifty years of age to pay a poll tax of fifty cents a year. Under the law, as it now exists, poll taxes are payable in cash in special road districts and in townships in which the road work is being conducted under contract. While I am not entirely satisfied as a result of personal experience and investigation that this law is an advisable one, I feel the question is one which is to be based largely, if not entirely, upon personal experience under the different conditions which obtain in different sections of the State. As it was the desire of a majority of the members of the legislative department that the cash system of paying poll tax should be given a trial, and as I am anxious to do

everything that can be done to contribute to the improvements of the roads in this State, I therefore return this bill with my approval.

Very respectfully,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 8, 1913

From the Journal of the Senate, pp. 13-15

CITY OF JEFFERSON, January 8, 1913.

To the Senate:

I transmit to you herewith the appointments made by me since the last session of the General Assembly for your consideration.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

RECESS APPOINTMENTS, 1911 AND 1912

March 29, 1911.—Rev. Louis Bernstein, St. Joseph, as a member of the State Board of Charities and Correction, for a term of four years from January 1, 1911, vice Dr. F. P. Cronkite.

April 6, 1911.—R. J. Martin, Kansas City, as a member of the Board of Regents, Normal School, District No. 2, Warrensburg, to hold for a term ending January 1, 1917, vice R. S. Harvey.

April 10, 1911.—Charles E. Rendlen, Hannibal, as a member of the Board of Managers of the Missouri School for the Deaf, at Fulton, for a term of four years from February 1, 1911, vice Dr. F. H. Kallmeyer.

April 19, 1911.—Hugh C. McIndoe, Joplin, as a member of the Board of Regents of Normal School, District No.

4, Springfield, for a term of six years from January 1, 1911, vice M. B. Clarke.

April 28, 1911.—Edward L. Hart, St. Joseph, as a member of the Board of Police Commissioners of St. Joseph, for a term of three years from April 28, 1911, vice Thomas H. Doyle.

May 12, 1911.—R. N. Lower, Hughesville, as a member of the Board of Managers of the Training School for Boys, at Boonville, for a term ending February 1, 1913, vice W. S. Cotton, resigned.

May 13, 1911.—Dr. Eugene Weiffenbach, Warrenton, as a member of the State Board of Charities and Correction for a term ending January 1, 1915, vice Walter C. Root, resigned.

June 1, 1911.—Charles A. Denton, Butler, as Pardon Attorney, to hold for a term ending the second Monday in January, 1913, vice William L. Chambers, resigned.

June 2, 1911.—Augustus L. Abbott, as a member of the Board of Police Commissioners of the city of St. Louis, to hold for a term ending January 1, 1913, vice John A. Laird, resigned.

June 6, 1911.—Austin W. Biggs, St. Louis, as Commissioner of the Bureau of Labor Statistics, for a term of four years from June 14, 1911.

June 14, 1911.—Harry M. Dungan, Oregon, as State Hotel Inspector, to hold for a term ending the first Monday in January, 1913, and until his successor qualifies, vice Tom L. Johnson.

June 23, 1911.—John H. Holmes, St. Louis, as a member of the State Board of Charities and Correction, to hold for a term of four years from January 1, 1911, vice W. J. Wyatt.

July 22, 1911.—Elias S. Gatch, St. Louis, as a member of the Bureau of Geology and Mines, for a term of four years from May 22, 1909.

August 18, 1911.—Jesse W. Henry, Jefferson City, as a member of the Board of Regents of Normal School, District No. 2, Warrensburg, to hold for a term ending January 1, 1913, vice Allen Glenn, resigned.

August 18, 1911.—H. D. Evans, Bonne Terre, as a member of the Board of Managers of State Hospital for the Insane, No. 4, at Farmington, to hold for a term ending April 28, 1913, vice W. R. Lang, resigned.

August 19, 1911.—W. W. Wilder, Ste. Genevieve, as State Beer Inspector, to hold for a term of four years from August 31, 1911.

August 24, 1911.—S. P. Houston, Marshall, as a member of the Board of Managers of the Missouri Colony for the Feeble-Minded and Epileptic, to hold for a term of four years from August 21, 1911.

September 2, 1911.—Walter A. Evans, Kansas City, as Inspector of Petroleum Oils, for a term ending August 16, 1913, vice Rush C. Lake, resigned.

November 16, 1911.—J. W. Tippin, Springfield, as a member of the Board of Trustees of the Fruit Experiment Station, for a term of six years from November 15, 1911, vice Charles B. McAfee.

December 4, 1911.—M. V. Carroll, Sedalia, as Chief Commissioner of the State Board of Immigration, to hold for a term ending August 16, 1913, vice G. M. Sebree, resigned.

January 4, 1912.—C. S. Jobes, Kansas City, as a member of the Board of Regents of Normal School, District No. 2, Warrensburg, for a term of six years from January 1, 1911.

January 2, 1912.—Mrs. Victoria Clay Haley, St. Louis, and Mrs. Francis J. Jackson, Kansas City, as Managers of the State Industrial Home for Negro Girls, to hold for a term of three years from August 16, 1911, respectively.

March 11, 1912.—Frank B. Klepper, Cameron, as a member of the Board of Control of the State Industrial Home for Girls, at Chillicothe, to hold for a term ending February 1, 1915, vice Dr. C. C. Leeper, deceased.

March 11, 1912.—I. N. Evard, Marshall, as a member of the Board of Managers of the Missouri Training School for Boys, to hold for a term ending February 1, 1913, vice J. M. Williams, resigned.

March 29, 1912.—M. B. Clarke, West Plains, as a member of the Board of Regents of Normal School, District No. 4, Springfield, to hold for a term ending January 1, 1915, vice T. L. Rubey, resigned.

April 9, 1912.—H. B. McDaniel, Springfield, as a member of the Board of Regents of Normal School, District No. 4, Springfield, to hold for a term of six years from January 1, 1911.

May 9, 1912.—John W. Haliburton, Carthage, as a member of the Board of Managers of the State Confederate Soldiers' Home, at Higginsville, for a term ending February 1, 1913, vice J. P. Bradley, resigned.

May 22, 1912.—W. W. Charters, Columbia, as a member of the Board of Regents of Lincoln Institute, to hold a term of six years from January 1, 1911, vice A. Ross Hill, resigned.

May 22, 1912.—A. A. Speer, Chamois, as a member of the Board of Regents of Lincoln Institute, to hold for a term of six years from January 1, 1911, vice John E. Swanger, resigned.

May 22, 1912.—George N. Martin, St. Louis, as a member of the Board of Regents of Lincoln Institute, to hold for a term ending January 1, 1913, vice Richard Dalton, resigned.

June 10, 1912.—John D. McNeely, as a member of the Board of Police Commissioners of St. Joseph, to hold for a term of three years from April 20, 1912.

June 24, 1912.—Dr. F. W. Burke, Laclede, as a member of the State Board of Health, to hold until July 1, 1914, vice Dr. M. P. Overholser, resigned.

July 17, 1912.—Ralph L. Wardin, Nevada, as a member of the State Board of Pharmacy, to hold for a term of five years from August 16, 1912.

July 31, 1912.—T. P. Russell, Cape Girardeau, as a member of the Board of Regents of Normal School, District No. 3, Cape Girardeau, to hold for a term ending January 1, 1915, vice Leon J. Albert, deceased.

August 14, 1912.—C. G. Williams, Boonville, as a member of the Board of Managers of the State Industrial Home for Negro Girls, to hold for a term of three years from August 16, 1912.

August 14, 1912.—Dr. M. O. Ricketts, St. Joseph, as a member of the Board of Managers of the State Industrial Home for Negro Girls, for a term of three years from August 16, 1912.

August 14, 1912.—Dr. T. C. Unthank, Kansas City, as a member of the Board of Managers of the State Industrial Home for Negro Girls, to hold for a term of three years from August 16, 1912.

September 17, 1912.—Charles Gietner, St. Louis, as a member of the State Board of Pharmacy, to hold for a term of five years from July 2, 1911.

September 24, 1912.—Kathryn Gordon, Jefferson City, as a member of the Board of Managers of the Colony for the Feeble-Minded and Epileptic, to hold for a term of four years from August 21, 1911.

October 7, 1912.—Dr. Walter McNab Miller, Columbia, as a member of the Board of Managers of the Missouri State Sanatorium, at Mt. Vernon, to hold for a term of three years from April 10, 1910, vice W. L. Gupton, deceased.

October 15, 1912.—A. M. Shelton, Chillicothe, as a member of the Board of Control of the State Industrial Home for Girls, for a term expiring February 1, 1917, vice W. T. Ford, resigned.

October 22, 1912.—A. O. Rule, as a member of the Board of Police Commissioners of the city of St. Louis, to hold for a term ending January 1, 1913, vice Otto L. Teichmann, resigned.

November 4, 1912.—W. A. Young, Salem, as a member of the Board of Managers of the State Federal Soldiers' Home, St. James, to hold for a term of four years from February 1, 1911.

November 4, 1912.—J. B. Hereford, Odessa, as a member of the Board of Managers of State Hospital No. 1 for

the Insane, at Fulton, to hold for a term of four years, from February 1, 1911.

November 30, 1912.—Joseph A. Corby, to hold for a term of one year; Dr. Daniel Morton, to hold for a term of two years; Eugene F. Westheimer, to hold for a term of three years; J. G. Schneider, to hold for a term of four years, and James H. McCord, to hold for a term of five years, as members of the Tuberculosis Hospital District of Buchanan county.

December 26, 1912.—Edwin C. Meservey, as a member of the Board of Police Commissioners of Kansas City, to hold for a term ending March 9, 1914, vice Theodore Remley, resigned.

September 24, 1912.—Dr. John R. Hall, Marshall, as a member of the Board of Managers of the Colony for Feeble-Minded and Epileptic, to hold for a term of four years from August 21, 1911.

TO THE GENERAL ASSEMBLY

JANUARY 9, 1913

From the Journal of the House of Representatives, pp. 14-15

January 9, 1913.

To the Forty-seventh General Assembly:

I am in receipt of a communication from Hon. P. C. Knox, Secretary of State, containing a resolution adopted by the National Congress, submitting to the consideration of the Legislatures of the several states an amendment to the Constitution of the United States providing for the direct election of United States Senators.

I transmit to you herewith this resolution, in order that the same may receive your consideration, and I hope it will also receive your approval. The question of the direct election of United States Senators has been under consideration for a great many years, and the resolution submitting an amendment to the Constitution of the United

States providing for such change in the election of United States Senators has frequently received the approval of the House of Representatives of our National Congress. But not until the present resolution was favorably acted upon has such a proposition received a majority of the United States Senate.

The sentiment in favor of this change in the method of electing United States Senators has been so strong that devices for accomplishing the same result through the nomination of United States Senators by direct primaries have been adopted in a number of states, including the State of Missouri. The leaders of the leading national parties have frequently declared in favor of this proposition, and all of the Representatives from the State of Missouri in the National Congress voting upon the question voted in favor of the submission of this amendment for the consideration of the several states.

As to the correctness in principle of the proposed amendment, I believe there can be no question. The present indirect system for the election of United States Senators by the legislatures of the several states was based upon a distrust as to the capacity of the people for self-government and a desire to make the members of the United States Senate, by the indirect method of their selection, less responsive to public opinion than they would be if chosen by the people direct. There is certainly no reason why the people of the different states should not, and cannot, choose, by direct vote, those who should represent them in the United States Senate, as well as those who should represent them as governors, or other state officials.

I hope this resolution may receive the unanimous approval of both branches of this General Assembly.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE

JANUARY 10, 1913

From the Journal of the Senate, p. 13

CITY OF JEFFERSON, January 10, 1913.

To the Senate:

In order to comply with the national militia law, as provided for in section 8369, Revised Statutes of the State of Missouri, 1909, I have appointed Brigadier-General Harvey C. Clark to be major-general, National Guard of Missouri; Brigadier-General Frank M. Rumbold, Adjutant-General of Missouri, to be brigadier-general, National Guard of Missouri, and Colonel Cusil Lechtman, Third Infantry, to be brigadier-general National Guard of Missouri, which appointments I transmit for your consideration.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1913

From the Appendix to the Journals of the General Assembly, 1913

To the Senate and House of Representatives:

The laws of this State provide that the Governor shall give to each General Assembly a statement as to the number of persons to whom he has extended executive clemency by pardon, reprieve or commutation since the adjournment of the last General Assembly, and his reasons therefor. This statute has usually been complied with in a perfunctory way with a formal list of those pardoned, reprieved, or whose sentences have been commuted.

I desire, in compliance with the statute, upon this occasion to submit not only the formal information required, but such additional information and recommendations as, in my opinion, will be helpful to the members of this General Assembly in enacting laws relating to the problem of prison labor, and the attitude of the State towards those who have violated its laws. It is a matter of satisfaction for me to make of public record what I have done in extending executive clemency, in view of the persistent policy of misrepresentation that has been pursued in reference to this matter for purely political purposes by some of the newspapers of this State.

A persistent effort has been made during the course of the last two years to create the impression that I have extended executive clemency with unwarranted liberality, and by intentionally misrepresenting the considerations upon which clemency was granted, or in failing to state the considerations upon which it has been granted, an effort has been made to create the impression that prisoners were being pardoned or paroled from the penitentiary as a mere matter of sentiment, and not upon the merits of each application. In order that the policy that the State should pursue in dealing with this question in the future may be fairly determined, it is necessary that the people of the State, and particularly that you, as their representatives, should have the real facts as to the policy that has been pursued. It is for this reason that I have somewhat extended the ordinary scope of this communication and given heed to the policy of misrepresentation heretofore referred to.

NUMBER OF PARDONS AND PAROLES GRANTED

The truth of the matter is that executive clemency has been extended in this State far less frequently than in other states of similar prison population. This is, in view of the scientific and humane thought of the day upon this question, a discredit rather than a credit to the people of this State. In order that you may understand how inadequately this

question has been dealt with, I give herein official records as to the number of cases in which executive clemency has been extended in this State and in other states in which clemency has been granted, as here, upon an examination of each case and the merits thereof. During the last four years executive clemency has been granted by me in the following number of cases: Pardons, 1; reprieves, 1; commutations of sentence, 4; sick paroles on recommendation of the prison physician and Board of Prison Inspectors that prisoner had an incurable disease and was about to die, 99; paroles as a matter of discretion on the merits of the application, 476; transfers to hospitals for the insane on account of insanity, 70; transfers to training school for boys at Boonville, 45.

A detailed statement of the cases in which clemency has been granted during the last two years, in compliance with the statute is hereto annexed. Thus the total number of cases in which I have extended executive clemency as a matter of discretion and on the merits of the case during the last four years, including pardons, paroles and commutations of sentence is 476. While this indicates the granting of executive clemency in approximately 25 cases each year more than has been granted by other executives in this State, yet, compared with the record of other states similar in population, this record is, as I have stated, a most conservative one.

NUMBER SMALL COMPARED WITH OTHER STATES

A few comparisons with other states will show how conservatively executive clemency has been extended in this State. In Illinois there are two penitentiaries, with a prison population about equal to the number confined in the Missouri Penitentiary. During the last four years there have been over 3,000 pardons and paroles granted to prisoners in the Illinois penitentiaries, as against 476 in the Missouri Penitentiary. In Indiana there are two penitentiaries, with a population of about 1,100 each. During the last four years there have been over 2,700 paroles and pardons granted, as

against 476 in Missouri. In the State of Kansas, which has only 888 prisoners in its penitentiary, there were, during the last four years, 704 pardons and paroles granted, as against the 476 in this State.

No comparison has been made with those states in which Governors have pardoned and paroled prisoners in large numbers as a protest against prison conditions or on consideration of sentiment alone. No such policy has been pursued by me.

WORK OF PARDON ATTORNEY

In all of these states the Governor has, in granting executive clemency, the aid and assistance of a board of pardons and paroles upon whose investigations and recommendations most of the paroles and commutations have been granted. The reason why such a comparatively small number have received executive clemency in this State is that I had the assistance of but one man, the pardon attorney, in the investigation of the applications for executive clemency. And while the work of this position has been ably and conscientiously performed by Mr. Frank Blake, Mr. W. L. Chambers and Judge Charles A. Denton, who have held the position of pardon attorney, there are unquestionably many prisoners in the penitentiary who should be paroled, either on account of a substantial doubt as to their guilt, the undue severity of their sentences, or because it would be of greater benefit to society to have them at liberty supporting themselves or their families in some useful occupation than to have them further confined in prison. The members of the General Assembly and the people of the State would be astonished and shocked to know of the trivial offenses for which men, and oftentimes young boys are sentenced to long years of imprisonment in the penitentiary.

A boy but eighteen years of age was given seven years as a punishment for passing forged checks totaling in amount but $12.50.

A boy of but eighteen years of age was given five years for forging check of $1.50, the check being forged on a party who owed him that amount, who could not be found at the time.

A man who had never been in any trouble before was given five years for breaking a window of a saloon, reaching in and taking a pint of whiskey while intoxicated, his wife and children having been rendered destitute by his imprisonment.

Boy eighteen years of age, who was beating his way on a freight train, broke open a box in the car he was in and took therefrom a pair of shoes to keep his feet from freezing. He was given two years, although it was his first offense.

A young man was given two years who, while intoxicated, stole a dressed turkey from the poultry house where he was at work and, going into a restaurant, threw it on the counter, and leaving it, staggered out without any gain to himself.

A boy but nineteen years of age who had never been in trouble entered a room in his employer's house and took a ring of the value of about $4.00, for which he was given two years.

Two boys, eighteen years of age, were sent to the penitentiary for stealing watermelons from a car, and two other boys about the same age were sent for same period for stealing candy from a confectionery store.

On account of such cases I have felt that it is as much the right of one convicted of crime to have decided the question as to whether he is entitled to executive clemency as it is to have a prompt, a public and a fair trial upon the question of his guilt or innocence.

NEW THEORY AS TO PUNISHMENT OF CRIME

It is only during the course of the last ten years that the people of this country have begun to recognize the necessity of some change in our system and method of punishing those guilty of criminal offenses. We have pur-

sued the mistaken theory of punishing the crime committed instead of dealing with the person who commits it. We punish the offense instead of trying to reform the offenders, or to correct the conditions which produce them. The result is that the population of our jails and of our penitentiaries is increasing more rapidly than the population of the country. And there can be no denying the correctness of the conclusion that something is wrong with the conditions of society and of industry and a system of punishment for crime which produces criminals more rapidly than there is an increase in population. A continuance of such conditions unchecked must eventually result in the overthrow of organized society and government itself. It is only within the last ten years that there has been made an effort to correct this dangerous tendency.

During that time there has been established in a number of states, boards of pardons and paroles and indeterminate sentence laws. Through the work of these boards under the provisions of indeterminate sentence laws, those who have committed, and are disposed to commit, offenses against the law are held under restraint outside of prison which both checks their criminal tendencies and also has the necessary effect of making them useful and productive members of society. The work of such boards, supplementing the work of state reformatories, will, in time, check the disproportionate increase in the number of criminals.

POLICY PURSUED IN THIS STATE

Missouri has been sadly behind the times in the manner in which it has dealt with this problem, but I trust that this legislature will correct the neglect of the past by establishing a State reformatory, creating a Board of Pardons and Paroles, and by enacting an indeterminate sentence law. The advisability of such legislation continuing and enlarging the plan that I have pursued in paroling young and first offenders, is abundantly demonstrated by the results secured.

Of the 476 prisoners whom I have paroled only 32 have violated the terms of their paroles, making it necessary that they should be returned to the penitentiary. Of the number paroled, 188 were 22 years of age and under. Of these only 14 have violated the terms of their parole. The number of revocations under the system pursued in this State is much less than in any other state from which I have secured statistics. This is due to the great care that has been exercised by the pardon attorney in the investigation of the cases that are entitled to clemency. In every case where a parole has been granted the Pardon Attorney has not only secured the opinion of the trial judge, prosecuting attorney, jurors and prosecuting witness, as to the advisability of a parole, but he has given a public hearing and conducted a personal examination of the prisoner; has secured some responsible person, other than a relative, who will see that the paroled prisoner secures regular employment and answer for his good conduct; and the further requirement is made that the prisoner and the person to whom he is paroled shall furnish reports every 30, 60 or 90 days showing a compliance with the conditions of his parole which always include total abstinence from the use of intoxicating liquor.

The policy pursued by the Pardon Attorney in the granting of paroles and conduct of the parole system was carefully investigated by and received the complete approval of the State Board of Charities and Corrections. I have supplemented the work of the Pardon Attorney by personal interviews of many of the applicants for executive clemency and by a personal examination as to the merits of most of the applications. The care that has been taken to examine into the merits of each application has necessarily reduced the number paroled, but it has also reduced the number of those who have failed to appreciate the opportunity to re-establish themselves as useful members of society thus extended.

NEED OF STATE REFORMATORY

The condition of the Missouri Penitentiary, in my opinion, makes it little short of a mandatory duty that legislation along the lines suggested should be enacted. We enjoy the doubtful distinction of having the largest penitentiary in the world; that is, we have a larger number of prisoners confined within four walls than is to be found in any other state or country. This is because the State has failed in its manifest duty to establish a State Reformatory for juvenile and first offenders. The Training School for Boys at Boonville has become little more than an institution for delinquent and deficient children. The influence of those interested in prison contracts, and those who have acted upon a false theory of economy, have, in the past, prevented the establishment of a State reformatory. The result is that there are, approximately, 600 boys 22 years of age and under confined in the penitentiary, daily associated with experienced criminals. After serving a term under such conditions the chances are that the young offender will follow a life of crime. The establishment of a State reformatory would not only provide a place where these boys, most of whom are accidental or unintentional criminals, could be confined under conditions and given instruction which would have a tendency to make them useful and law-abiding members of society, but it would also help to solve the present prison labor problem with which this General Assembly will have to deal.

PROBLEM OF PRISON LABOR

By the act of the last General Assembly there was a declaration of the intention of the State to abandon the present contract labor system. Unless that policy shall be changed, which I hope it will not, there will during the course of the next year, when those contracts now in existence terminate, be something over 2,000 men and women in the penitentiary for whom employment must be secured. It

would be inhuman and barbarous to confine them in idleness. The chief difficulty is to find some employment in which prison labor will not be brought into competition with free labor. The policy of employing convicts upon the roads is an advisable one, but, owing to the conditions in this State, it is doubtful if more than a small portion of the convicts in the penitentiary can be so employed. As far as feasible the prisoners should be used in the building of public roads, and the experiment of Cole county under the act of the last Legislature, will, I hope, in time, lead to the employment of an increased number of convicts in this work in other counties. The question of prison labor was quite thoroughly investigated by a special committee of the State Senate of the Forty-fourth General Assembly, of which Former Senator F. M. McDavid was chairman, and the recommendations of that committee are deserving of consideration. My suggestions upon that proposition, in addition to those already made, are:

The purchase of sufficient land for a reasonably good sized farm with provisions for industrial training in a State reformatory.

Make in both the penitentiary and the State reformatory supplies for the different State institutions and departments.

Further, I believe there should be purchased an extensive tract of land upon which convicts confined in the penitentiary can be employed. The price of farm products is controlled by world-wide conditions and prison labor thus employed would not be brought in competition with free labor. Such labor would also have a tendency to improve the physical health of the prisoners and that in time will also tend to improve their intellectual and moral health.

In addition, I believe there should be established at all State institutions possible a plant for the production of ground limestone for fertilizing purposes. While there are a number of private concerns manufacturing this product, which would doubtless object to this plan, the freight rates and the low cost of this product are such as to make its

shipment for long distance practically prohibitive. The value of ground limestone as a fertilizer of soil has been conclusively demonstrated.

CONDITION OF MISSOURI PENITENTIARY

I believe that an investigation of the management of the penitentiary and the treatment of those confined here during the last four years will show that as good results have been secured as were possible under existing circumstances. The physical condition of the penitentiary has been greatly improved. With a slight increase in cost there has been a marked improvement in both the quality and the variety of the food, with a considerable improvement of the health and disposition of the inmates and the lack of the necessity of discipline and punishment. The records show that the cases of sickness during this time are far less than during any similar previous period. And I am assured by Captain Porter Gilvin, who has been connected with the penitentiary for over 20 years and who for seven years as deputy warden has had charge of the discipline, that the number of cases of punishment during the course of the last four years has decreased over 50 per cent. Stripes have been abolished and a suitable uniform substituted. The guards have been informed and special instructions as to the duties of their position have been given. Corporal punishment has been practically discontinued. No outbreaks or acts of general insubordination have occurred during that time, although in times gone past they were not infrequent. I heard the statement made by Major McClaughry, the warden of the Federal prison at Leavenworth, Kansas, one of the best informed men on prison conditions in the country, that as much improvement had been made in the conditions in the Missouri Penitentiary as was possible to have been made within that length of time.

IMPROVEMENTS NEEDED

Further improvement, however, demands a change in conditions. One of the most important improvements de-

manded by conditions in the penitentiary is a tuberculosis hospital or building in which the prisoners afflicted with tuberculosis can be confined. I have given you thus somewhat in detail and at length the facts as to prison conditions and as to the policy that has been pursued by me in the granting of executive clemency, not so much to justify the course that I have pursued, or to answer the criticisms that have been directed against it, as to suggest to you needed changes in dealing with the problem of punishment of crime and the prison labor problem in this State. The policy that I have pursued has been absolutely necessary from a standpoint of the public welfare in the absence of a board of pardons and paroles and a State reformatory.

NEED OF A BOARD OF PARDONS, PAROLES AND PRISON MANAGEMENT

The chief executive should, however, be relieved from the burden and responsibility of dealing with these cases. By virtue of his position he is generally regarded as the leader of the political party that nominated and elected him. For this reason he is peculiarly subject to and liable to unwarranted and malicious attacks by sensational unscrupulous newspapers for granting executive clemency to those convicted of crime. And it is easy, by a failure to publish the facts upon which clemency in each case was based, to mislead and to prejudice the public mind against a proper policy of executive clemency. If this work was done by a Board of Pardons and Paroles, the decision of such a board would assume something of the form of a judgment of a court. And, in addition to providing a better and a more complete investigation of the merits of the different applications, such a board would be to a large extent exempt from unwarranted attacks and misrepresentations to which a Governor is liable to be subjected. I also believe that such a board should have the control and management of the penitentiary and the other penal and reformatory institutions of the State, together with the power of appointing

the wardens or superintendents of these institutions. Under the control of such a board these institutions could be more effectively and economically managed, and the members of the board would thus be better informed and better qualified to deal with the question of clemency of those confined in such institutions.

POLICY THAT SHOULD BE ESTABLISHED

By the adoption of each and all of the suggestions herein made I do not, of course, expect that the commission of crime in this State can be brought to an end, or that there will at once be any appreciable diminution in the number of offenses against the law. But in the course of a period of years such a policy, if pursued in this and other states, will of necessity bring about a correction of the present alarming increase of crime in this country. And what will happen if this tendency is not checked is easy to forsee. The system of punishment that has been pursued in this State, and, until recently, generally in this country, has in a great majority of cases sent forth from prison those who have been confined there broken physically, mentally and morally, and worse enemies of society than when their punishment began. Such a system is clearly a wrong one. No system of punishment, in fact, is justifiable or a benefit to society unless those punished are at the end of their confinement better men physically, mentally and morally, and less enemies of society than when their punishment began. The policy that I have pursued in dealing with this question has been adopted, and the recommendations of this message have been made, in the hope and belief that it would tend to produce such a result, and I trust that you will contribute to that end by the laws that you enact during the present session of the General Assembly.

Respectfully submitted,

HERBERT S. HADLEY,
Governor.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

JANUARY 16, 1909

From the Register of Civil Proceedings, 1905-1909, p. 607

The Governor issued a proclamation offering a reward of $200 for the arrest of the unknown fugitive who shot and killed City Marshall H. B. Rickey of Clarence, Mo.

FEBRUARY 3, 1909

From the Register of Civil Proceedings, 1905-1909, p. 614

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery of one James Long to the Sheriff of Benton County.

FEBRUARY 5, 1909

From the Register of Civil Proceedings, 1905-1909, p. 615

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery of one Will Francis (colored) to the Sheriff of Johnson County.

FEBRUARY 5, 1909

From the Register of Civil Proceedings, 1905-1909, p. 615

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery to the Sheriff of St. Louis County the unknown fugitive who murdered one Nellie Nienebar near South Kirkwood on August 17, 1908.

FEBRUARY 5, 1909

From the Register of Civil Proceedings, 1905-1909, p. 615

The Governor issued a proclamation requesting that Friday, February 12, 1909, the Executive Offices be closed and the Adjutant General fire a salute from the State House grounds in honor of the Centennial Anniversary of the birth of Abraham Lincoln.

FEBRUARY 25, 1909

From the Register of Civil Proceedings, 1905-1909, p. 624

The Governor issued a proclamation for a Special Election to be held in Holt County on Saturday March 13, 1909 for the election of a Representative to fill the vacancy caused by the death of Honorable Henderson L. Ward.

FEBRUARY 25, 1909

From the Register of Civil Proceedings, 1905-1909, p. 624

The Governor issued a proclamation for a Special Election to be held in the Sixth District of Jackson County on Saturday March 13, 1909 for the election of a Representative to fill the vacancy caused by the death of Honorable Abram A. Allen.

FEBRUARY 27, 1909

From the Register of Civil Proceedings, 1905-1909, p. 625

The Governor issued a proclamation for a Special Election to be held in Hickory County on Tuesday, March 16, 1909, for the purpose of electing a Representative to fill the vacancy caused by the death of Honorable Ebenezer M. Kerr.

MARCH 1, 1909

From the Register of Civil Proceedings, 1905-1909, p. 626

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery of one Grant Holzer, to the Sheriff of Jasper County who brutally shot and killed his wife, Ida Holzer, at Webb City on February 16, 1909.

MARCH 6, 1909

From the Register of Civil Proceedings, 1905-1909, p. 628

Acting Governor Gmelich issued a proclamation offering a reward of $200.00 for the arrest and delivery of one Luther Anderson to the sheriff of Audrain County.

MARCH 18, 1909

From the Register of Civil Proceedings, 1905-1909, p. 633

The Governor issued a proclamation requesting teachers, pupils and patrons of all public schools of the State and private and denominational schools to observe "Arbor Day," which this year falls on April 9th, by the planting of trees, shrubbery and flowers.

MAY 24, 1909

From the Register of Civil Proceedings, 1909-1912, p. 9

The Governor issued a proclamation offering a reward of $150.00 for John Jones (Col.) who escaped from the Penitentiary February 15, 1908. Said fugitive to be delivered to the Warden of the Penitentiary at Jefferson City; reward to stand good from one year from May 20, 1909.

JUNE 17, 1909

From the Register of Civil Proceedings, 1909-1912, p. 17

The Governor issued a Proclamation offering a reward of $300.00 for the conviction of the person or persons who assaulted Anna Lee Owen in the Dwight Bldg., Kansas City, Mo., on June 16, 1909. Reward good one year from date.

JUNE 18, 1909

From the Register of Civil Proceedings, 1909-1912, p. 17

The Governor offered a reward of $300.00 for the arrest of the person or persons who murdered Clyde Hatfield in Ray County, Mo., on June 13, 1909. Reward to stand one year from date.

AUGUST 1, 1909

From the Register of Civil Proceedings, 1909-1912, p. 40

Acting Governor Gmelich issued a proclamation offering a reward of $300.00 for arrest and conviction of members of mob at Platte City, Mo., Aug. 2, 1909, who hanged Geo. Johnson. Reward to stand good one year from date.

AUGUST 9, 1909

From the Register of Civil Proceedings, 1909-1912, p. 43

Acting Governor Gmelich issued a proclamation offering a reward of $300.00 for the arrest and delivery to the Sheriff of St. Louis City, Sam Turrisi who kidnapped Grace and Tomaso Viviano in St. Louis on August 2, 1909.

AUGUST 20, 1909

From the Register of Civil Proceedings, 1909-1912, p. 47

Acting Governor Gmelich issued a proclamation offering $300.00 reward for Lee Hart who in the spring of 1908 murdered his mother-in-law, shot his father-in-law and killed a tramp.

OCTOBER 1, 1909

From the Register of Civil Proceedings, 1909-1912, p. 62

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Holt County, of the unknown person who fired a shot from ambush and seriously injured Miss Jesta Kunkel, near the Town of View Point in Holt County on September 25, 1909. Reward to stand good for one year from date.

OCTOBER 4, 1909

From the Register of Civil Proceedings, 1909-1912, p. 63

The Governor issued a proclamation offering a reward of $150.00 for the arrest and delivery to the Sheriff of Macon County, of Jack Jourdan (colored), charged with the murder of Tolman Vestal in the county of Macon on the 6th day of September, 1909. Reward to stand good for one year from date.

OCTOBER 11, 1909

From the Register of Civil Proceedings, 1909-1912, p. 65

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Scott County of C A Powell charged with the crime of rape com-

mitted at Sikeston, Scott County on September 11, 1909, upon one Hazel Williams. Reward to stand good for a period of one year.

NOVEMBER 1, 1909

From the Register of Civil Proceedings, 1909-1912, p. 75

The Governor issued a proclamation offering a reward of $150.00 for the arrest and delivery to the Sheriff of St. Charles County of George Lucas (colored) charged with the murder of Charles Smith in the County of St. Charles and a fugitive from justice since 1903. Reward to stand good for a period of one year.

NOVEMBER 15, 1909

From the Register of Civil Proceedings, 1909-1912, p. 81

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Pettis County of the unknown party charged with the murder of Charles Arnold (colored) in the county of Pettis on the 30th day of October 1907, reward to stand good for one year from date.

NOVEMBER 17, 1909

From the Register of Civil Proceedings, 1909-1912, p. 82

The Governor issued a proclamation setting aside Thursday, November 25, 1909, as Thanksgiving day.

NOVEMBER 24, 1909

From the Register of Civil Proceedings, 1909-1912, p. 84

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Jasper

County, William Schmulbach alias William Smoothbox charged with the murder of a police officer in the City of Joplin on the night of November 15, 1902.

DECEMBER 1, 1909

From the Register of Civil Proceedings, 1909-1912, p. 87

The Governor directed that a special election should be held in the Sixth Congressional District, of the State of Missouri, on Tuesday, the 1st day of February, 1910, to fill the vacancy, caused by the death of Honorable David A. DeArmond.

DECEMBER 18, 1909

From the Register of Civil Proceedings, 1909-1912, p. 94

The Governor issued a proclamation offering a reward of $300, for the arrest and delivery to the Sheriff of Stone County, Herbert Jones convicted of murder and sentenced to ten years in the penitentiary, he having escaped from the county jail of Stone County and is now a fugitive from justice. Reward to stand good for one year from date.

JANUARY 14, 1910

From the Register of Civil Proceedings, 1909-1912, p. 104

The Governor issued a proclamation requesting that all departments of the State be closed during the forenoon of the day of the funeral of David J. Roach, father of Cornelius Roach, Secretary of State.

JANUARY 22, 1910

From the Register of Civil Proceedings, 1909-1912, p. 107

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery of each of the guilty parties, who, on the night of January 21st, 1910, about 9.50 p. m. held up and robbed Mo. Pacific train No 8, between Eureka and Glencoe in St. Louis County, State of Missouri, to the sheriff of St Louis County. Reward to stand good for one year from date.

FEBRUARY 2, 1910

From the Register of Civil Proceedings, 1909-1912, p. 112

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery of Henry Boston alias Henry Birdsong, to the sheriff of Polk County, for having murdered his wife. Reward to stand good for one year.

FEBRUARY 21, 1910

From the Register of Civil Proceedings, 1909-1912, p. 121

The Governor issued a quarantine proclamation for the purpose of preventing the spread of contagious or infectious diseases among cattle, that the same be observed and endorsed throughout the state.

MARCH 23, 1910

From the Register of Civil Proceedings, 1909-1912, p. 136

The Governor issued a proclamation setting aside Friday, April 8, as Arbor Day.

APRIL 4, 1910

From the Register of Civil Proceedings, 1909-1912, p. 141

The Governor issued a proclamation offering a reward of $300 for the information resulting in the arrest and conviction of any person or persons guilty of violating the election laws of this state in connection with the election in the city of St. Joseph on Tuesday April 5, 1910.

APRIL 19, 1910

From the Register of Civil Proceedings, 1909-1912, p. 147

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Cape Cirardeau County, at the jail thereof one Ike Bond and for his conviction of the crime of shooting and instantly killing one David Lewis on September 4, 1908, in the county of Cape Girardeau. Reward to stand good for one year from date hereof.

APRIL 19, 1910

From the Register of Civil Proceedings, 1909-1912, p. 147

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery to the Sheriff of Pemiscot County, at the jail thereof, or to any other person legally authorized to receive said fugitive, one Jack Bradford who was in 1900 in Pemiscot County convicted of the murder of T. L. Holt on May 5, 1899 and sentenced to be hanged and after conviction adjudged insane and incarcerated in State Hospital No. 1 at Fulton, from which Hospital he escaped and fled in 1903. Reward to stand good for one year from date hereof.

APRIL 21, 1910

From the Register of Civil Proceedings, 1909-1912, p. 149

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the sheriff of Benton County, one Jame Long charged with the murder of Felix G. Crawford and Theodosha M. Winemiller, in Benton County on October 20, 1906. Reward to remain in force for one year from the date hereof.

APRIL 25, 1910

From the Register of Civil Proceedings, 1909-1912, p. 151

The Governor issued a proclamation offering a reward of fifty ($50.00) dollars for the arrest and delivery to the Sheriff of Cole County, one Charles Scheining, alias Charles Lee Meyers, alias Charles Siner, alias Tom Dawson, alias Charles Schening alias Churchill charged with burglary and grand larceny on December 10, 1909 and for his conviction. Reward to stand good for one year from date.

MAY 11, 1910

From the Register of Civil Proceedings, 1909-1912, p. 160

The Governor issued a proclamation offering a reward of $300.00 for the arrest, conviction and delivery to the Sheriff of St. Francois County one Samuel Rader, charged with the killing of William Lacomb at Flat River on the 5th day of May 1910. Reward to stand good for one year from date.

MAY 16, 1910

From the Register of Civil Proceedings, 1909-1912, p. 162

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery to the sheriff of Cooper County, at the jail thereof, and for the conviction of one William Tilger who did on May 6, 1910, murder two unknown negroes near Pleasant Green, Cooper County Missouri. Reward to remain in force for one year from the date hereof.

MAY 23, 1910

From the Register of Civil Proceedings, 1909-1912, p. 165

The Governor issued a proclamation offering a reward of $200.00 for the arrest, delivery to the sheriff of Bates County at the jail thereof, and the conviction of Charles Starr, charged with the crime of rape on Mary Laccoarce in Bates County. Reward to stand for one year from date.

MAY 26, 1910

From the Register of Civil Proceedings, 1909-1912, p. 166

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Barton County and for the conviction of one Noland Webb, charged with the killing of John Davidson in Barton County on August 4, 1900. Reward to remain in force for one year from the date hereof.

JULY 2, 1910

From the Register of Civil Proceedings, 1909-1912, p. 185

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery and conviction of the

unknown person or persons, who, on the night of June 28, 1910 about eight o'clock, murdered one Annie Wendler near the railroad bridge across Roisen Creek in the County of Cole, to the Sheriff of Cole County, at the Jail thereof.

JULY 7, 1910

From the Register of Civil Proceedings, 1909-1912, p. 186

The Governor issued a proclamation offering a reward of $300.00, for the arrest and conviction of each person connected with the commission of either murder of Sam Fields (colored) or Bob Coleman who were on Sunday July 3rd 1910, taken from the county jail in Charleston, and hanged until dead, by a mob of unknown parties.

JULY 20, 1910

From the Register of Civil Proceedings, 1909-1912, p. 192

The Governor issued a proclamation offering a reward of $200.00, for the arrest, delivery to the sheriff of Gasconade County and the conviction of one Hart Pinson (or Penson) for the murder of Joe King in the county of Gasconade on or about the 2nd day of June 1910.

AUGUST 8, 1910

From the Register of Civil Proceedings, 1909-1912, p. 205

The Governor issued a proclamation offering a reward of $200.00 for the arrest, delivery to the sheriff of Ray County and the conviction of the unknown person, who, on the night of July 31, 1910 near Orrick, Ray County, murdered John McAfee. Reward to remain in force for one year from this date.

AUGUST 31, 1910

From the Register of Civil Proceedings, 1909-1912, p. 220

The Governor issued a proclamation calling the attention of the people and asking that they refrain from their usual avocations and employment and do honor to those upon whose behalf the legislature set aside the first Monday in September as a legal holiday in honor of Labor.

NOVEMBER 5, 1910

From the Register of Civil Proceedings, 1909-1912, p. 255

The Governor issued a proclamation offering a reward of $300.00 for information given the proper authorities, resulting in the arrest and conviction of any person or persons guilty of violating the election laws of this state in connection with the election to be held in the State of Missouri on Tuesday, November 8, 1910.

NOVEMBER 14, 1910

From the Register of Civil Proceedings, 1909-1912, p. 259

The Governor issued a proclamation requesting the people of Missouri to cease their usual avocations on Thursday November 24th for Thanksgiving Day.

NOVEMBER 19, 1910

From the Register of Civil Proceedings, 1909-1912, p. 263

The Governor issued a proclamation offering a reward of $100.00 for the arrest, conviction and delivery to the Sheriff of Jefferson County, one Ross Martin, charged with the murder of Willis Dearing committed on the 16th day of December, 1897, in the said county of Jefferson.

DECEMBER 5, 1910

From the Register of Civil Proceedings, 1909-1912, p. 271

The Governor issued a proclamation offering a reward of $300.00, for the arrest, delivery to the Sheriff of Vernon County and conviction of the unknown man who, on December 1, 1910, attacked and criminally assaulted Mattie Allen, a sixteen year old girl on the track of the Kansas City Southern Railway near Richards, Vernon County.

DECEMBER 5, 1910

From the Register of Civil Proceedings, 1909-1912, p. 271

The Governor issued a proclamation offering a reward of $200.00, for the arrest, delivery to the sheriff of Pettis County and conviction of Albert L. Downing who is charged with having raped Linnie Bell Workman, in January 1908.

DECEMBER 14, 1910

From the Register of Civil Proceedings, 1909-1912, p. 276

The Governor issued a proclamation offering a reward of $200.00, for the arrest, delivery to the Sheriff of Osage County, and the conviction of Patrick Casey charged with the murder of James King in the County of Osage on the 12th day of October 1910.

DECEMBER 21, 1910

From the Register of Civil Proceedings, 1909-1912, p. 278

The Governor issued a proclamation requesting all executive offices of the state to close upon the afternoon of December 21st out of respect to the memory of Gavon D. Burgess, Chief Justice of the Supreme Court of Missouri whose burial will take place at Linneus, his old home, upon Wednesday afternoon December 21, 1910.

MARCH 20, 1911

From the Register of Civil Proceedings, 1909-1912, p. 323

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Stoddard County, at the jail thereof, and for the conviction of Alfred Isaacs, who, on the 10th day of January, 1911, in Stoddard County, shot and killed Jesse Breese.

MARCH 25, 1911

From the Register of Civil Proceedings, 1909-1912, p. 328

The Governor issued a proclamation requesting all the schools of the State to comply with the letter and spirit of the law and plant upon the school grounds, with proper ceremonies, some trees, shrub or flower, native to Missouri on the 7th day of April, known as "Arbor Day."

APRIL 1, 1911

From the Register of Civil Proceedings, 1909-1912, p. 333

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery to the Sheriff of Macon County, at the jail thereof, and for the conviction of one James Denson, (colored) who did, on the night of December 4, 1910, in Macon County shoot and kill, Lena Lott (colored).

APRIL 5, 1911

From the Register of Civil Proceedings, 1909-1912, p. 335

The Governor issued a proclamation offering a reward of $300.00 for the arrest, delivery to the sheriff of Jackson County, at the jail thereof, and conviction of the unknown party or parties who, on Tuesday, March 28, 1911, in Kansas City, shot and killed Joseph Raims, a police officer.

MAY 8, 1911

From the Register of Civil Proceedings, 1909-1912, p. 352

The Governor issued a proclamation offering a reward of $300.00 for the arrest and delivery of B. W. Wallace to the Sheriff of St. Francois County, at the jail thereof and for his conviction of the murder of Henry Willmore, on the 11th day of February, 1908, in said County.

MAY 9, 1911

From the Register of Civil Proceedings, 1909-1912, p. 352

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery of Jud Dixon to the Sheriff of Bates County, at the jail thereof, and for his conviction of enticing and inducing Ollie Scott, to leave home for the purpose of prostitution, on the 14th day of April 1911, in said Bates County.

JUNE 5, 1911

From the Register of Civil Proceedings, 1909-1912, p. 364

The Governor issued a Proclamation offering a reward of $200.00 for the arrest of Charles Starr, charged with the crime of rape in the county of Bates. Reward to stand good for one year from the date hereof.

JULY 7, 1911

From the Register of Civil Proceedings, 1909-1912, p. 376

The Governor issued a Proclamation offering a reward of $100.00 for the arrest and delivery of Frank Turner to the Sheriff of Mississippi County. Reward good for one year.

JULY 7, 1911

From the Register of Civil Proceedings, 1909-1912, p. 376

The Governor issued a Proclamation offering a reward of $100.00 for the arrest and Delivery of Otto Henchell to the Sheriff of Montgomery County. Reward good for one year.

JULY 17, 1911

From the Register of Civil Proceedings, 1909-1912, p. 381

The Governor issued a proclamation offering a reward of $200.00 for the arrest and delivery of John Sollars to the sheriff of Buchanan County reward good for one year from date.

JULY 22, 1911

From the Register of Civil Proceedings, 1909-1912, p. 383

The Governor issued a Proclamation offering a reward of $150.00 for the arrest and Delivery of one Julio Hulio Sanchez to the sheriff of Buchanan County. Reward good for one year.

AUGUST 17, 1911

From the Register of Civil Proceedings, 1909-1912, p. 395

The Governor issued a proclamation offering a reward of $200.00 for the unknown murderer of P. J. Cahill.

AUGUST 19, 1911

From the Register of Civil Proceedings, 1909-1912, p. 395

The Governor issued a proclamation declaring the capitol Bond issue carried.

AUGUST 26, 1911

From the Register of Civil Proceedings, 1909-1912, p. 399

The Governor issued a proclamation declaring a legal holiday the first Monday in September in honor of Labor day.

SEPTEMBER 21, 1911

From the Register of Civil Proceedings, 1909-1912, p. 409

The Governor issued a Proclamation offering a reward of $300.00 for the arrest and conviction of the unknown murderer of John G. Jones.

SEPTEMBER 22, 1911

From the Register of Civil Proceedings, 1909-1912, p. 409

The Governor issued a proclamation offering a reward of $300.00 for the arrest and conviction of the unknown colored party who assaulted Mrs Ada Sullivan and Edith Garvis of Perry County.

SEPTEMBER 28, 1911

From the Register of Civil Proceedings, 1909-1912, p. 411

The Governor issued a Proclamation, proclaiming Oct 9th 1911 as Fire Prevention day.

SEPTEMBER 30, 1911

From the Register of Civil Proceedings, 1909-1912, p. 412

The Governor issued a proclamation offering a reward of $300.00 for Robert Rogers for the Killing of Hazel Hardesty.

SEPTEMBER 30, 1911

From the Register of Civil Proceedings, 1909-1912, p. 413

The Governor issued a Proclamation offering a reward of $200.00 for the unknown murderer of Mrs Ed. Shirley.

OCTOBER 6, 1911

From the Register of Civil Proceedings, 1909-1912, p. 414

The Governor issued a Proclamation for Quarantine of Cattle.

OCTOBER 16, 1911

From the Register of Civil Proceedings, 1909-1912, p. 417

The Governor issued a Proclamation offering a reward of $300.00 for the unknown murderers of Ben Woods and A. B. Rich.

OCTOBER 23, 1911

From the Register of Civil Proceedings, 1909-1912, p. 419

The Governor issued a Proclamation offering a reward of $200.00 for the murderer of Oliver Wright, New Madrid County.

OCTOBER 23, 1911

From the Register of Civil Proceedings, 1909-1912, p. 419

The Governor issued a Proclamation offering a reward of $200.00 for the unknown murderer of W. P. Gardner, Greene County.

NOVEMBER 1, 1911

From the Register of Civil Proceedings, 1909-1912, p. 422

The Governor issued a proclamation offering a reward of $100.00 for Walter McCoy, (horse stealing).

NOVEMBER 6, 1911

From the Register of Civil Proceedings, 1909-1912, p. 424

The Governor issued a proclamation setting aside Thursday Nov 30th for a day of Thanksgiving.

DECEMBER 4, 1911

From the Register of Civil Proceedings, 1909-1912, p. 433

The Governor issued a Proclamation offering a reward of $300.00 for Violation of the Election Laws City of St. Louis.

DECEMBER 22, 1911

From the Register of Civil Proceedings, 1909-1912, p. 439

The Governor issued a proclamation offering a reward of $300.00 for unknown parties "composing a mob" "Charley Peters." "Col."

JANUARY 4, 1912

From the Register of Civil Proceedings, 1909-1912, p. 442

The Governor issued a Proclamation offering a reward of $50.00 for Jack Jourdan "Col."

FEBRUARY 2, 1912

From the Register of Civil Proceedings, 1909-1912, p. 453

The Governor issued a Proclamation offering a reward of $50.00 for one Jacob L. Miller.

MARCH 11, 1912

From the Register of Civil Proceedings, 1909-1912, p. 466

The Governor issued a proclamation setting aside April 5th as Arbor Day.

MARCH 30, 1912

From the Register of Civil Proceedings, 1909-1912, p. 472

The Governor issued a Proclamation offering a reward of $100.00 for one Ed Wilson "Col."

APRIL 2, 1912

From the Register of Civil Proceedings, 1909-1912, p. 473

The Governor issued a Proclamation offering a reward of $300.00 for Election Frauds in the City of St. Joseph.

APRIL 20, 1912

From the Register of Civil Proceedings, 1909-1912, p. 478

The Governor issued a Proclamation offering a reward of $100.00 for one John Keithley.

MAY 21, 1912

From the Register of Civil Proceedings, 1909-1912, p. 488

The Governor issued a proclamation offering a reward of $100.00 for one James Long. "Reward to expire Jan 1st 1913."

AUGUST 14, 1912

From the Register of Civil Proceedings, 1909-1912, p. 512

The Governor ordered a special Election to be held Nov 5th 1912 to Elect a State Senator in the 30th senatorial District Vice A. E. Methudy "resigned."

AUGUST 19, 1912

From the Register of Civil Proceedings, 1909-1912, p. 513

The acting Governor issued a Proclamation regarding Quarantine of Cattle.

AUGUST 27, 1912

From the Register of Civil Proceedings, 1909-1912, p. 516

The Governor issued a Proclamation setting Sept 2nd 1912 as Labor Day.

SEPTEMBER 13, 1912

From the Register of Civil Proceedings, 1909-1912, p. 522

The Governor issued a Proclamation offering a reward of $200.00 for the unknown murderer of Wm. Hufnagel, to stand good until January 1st 1913.

SEPTEMBER 14, 1912

From the Register of Civil Proceedings, 1909-1912, p. 523

The Governor issued a Proclamation offering a reward of $100.00 for the unknown murderer of unknown young man at Pacific Mo Aug 10th 1910 reward to stand good until Jan 1st 1913.

SEPTEMBER 17, 1912

From the Register of Civil Proceedings, 1909-1912, p. 523

The Governor issued a proclamation setting Wednesday October 9th as Fire Prevention Day.

SEPTEMBER 30, 1912

From the Register of Civil Proceedings, 1909-1912, p. 528

The Governor issued a Proclamation offering a reward of $300.00 for one Robert Rogers, to stand good until Sept 30-1912.

OCTOBER 15, 1912

From the Register of Civil Proceedings, 1909-1912, p. 533

The Governor issued a Proclamation setting aside Oct 21 to Oct 26th as seed corn gathering week.

NOVEMBER 2, 1912

From the Register of Civil Proceedings, 1909-1912, p. 539

The Governor issued a proclamation offering a reward of $300.00 for Violation of the Election laws Tuesday Nov 5th 1912.

NOVEMBER 19, 1912

From the Register of Civil Proceedings, 1909-1912, p. 544

The Governor issued a proclamation offering a reward of $200.00 for H. M. Smith, Cashier State Bank of Holstein reward to stand good until January 1st 1913.

NOVEMBER 19, 1912

From the Register of Civil Proceedings, 1909-1912, p. 544

The Governor issued a proclamation offering a reward of $300.00 for one Albert Whitfield Col. murderer of Patrolman Arthur M. Huddleston, good for one year from date.

NOVEMBER 19, 1912

From the Register of Civil Proceedings, 1909-1912, p. 544

The Governor issued a proclamation setting aside November 28th 1912 as Thanksgiving day.

DECEMBER 30, 1912

From the Register of Civil Proceedings, 1909-1912, p. 558

The Governor issued a Proclamation offering a Reward of $300.00 for the arrest and conviction of unknown parties committing murder, Robbery, and Burglary in Kansas City Mo.

DECEMBER 30, 1912

From the Register of Civil Proceedings, 1909-1912, p. 558

The Governor issued a Proclamation offering a Reward of $300.00 for the arrest and conviction of unknown parties committing murder, Robbery and Burglary in Jackson County.

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